DISARMAMENT

United Nations
Regional Disarmament Workshop for Asia and the Pacific

Disarmament Fellowship, Training and Advisory Services Programme

United Nations

United Nations
Department for Disarmament Affairs

DISARMAMENT

United Nations Regional Disarmament Workshop for Asia and the Pacific

Disarmament Fellowship, Training and Advisory Services Programme

United Nations New York, 1991

READEX
FICHE

Contents

Contents iii
Explaratory note vi
Acronyms and abbreviations vii
Treaties and agreements mentioned in the papers viii
Programme of the Workshop x

Part One - Opening addresses and summary

Opening statement
Yasushi Akashi 3

Keynote address
Ali Alatas 8

Summary of the proceedings of the Workshop
Sola Ogunbanwo 16

Part Two - Papers submitted to the Workshop

Peace and security in the Asia-Pacific context

Security concerns after the cold war
M. Zuberi 25

Pacific concepts of peace and security: a view from New Zealand
Don J. MacKay 31

United States approaches to peace and security in the Asia-Pacific region
Amos Jordan 41

Asia-Pacific security: the USSR policy under perestroika
Alexei V. Zagorsky 53

Global disarmament efforts to strengthen the regime of the non-proliferation of nuclear and other weapons of mass destruction

The non-proliferation obligations of the NPT
Brett T. Lineham 67

Non-proliferation of nuclear weapons
Chusei Yamada 81

NPT Review Conference
John Gee 85

The partial test-ban Treaty
and its Amendment Conference
Don J. MacKay 98

Chemical and biological arms control
and disarmament: an overview
John Gee 104

The current status of the Geneva negotiations
on the chemical weapons convention
Joachim Krause 122

National implementation of the future chemical weapons
convention: the Australian experience
John Gee 143

Regional disarmament efforts and proposals to strengthen the non-proliferation regime: South-East Asian, South Asian and Pacific perspectives

Introductory statement on nuclear-weapon-free zones
and zones of peace
Sola Ogunbanwo 155

The evolution of the South Pacific Nuclear Free Zone
(The Treaty of Rarotonga): an Australian perspective
John Gee 158

Some legal aspects of the
South Pacific Nuclear Free Zone Treaty
Don J. MacKay 178

Proposals relating to the establishment of
a South-East Asian nuclear-weapon-free zone
Purbo S. Soewondo 188

A nuclear-weapon-free zone in South Asia
Ross Masood Husain 210

Zones of peace: the Indian Ocean as a case study
Ross Masood Husain 215

ASEAN in the search for peace
and stability in South-East Asia
A. Hasnan Habib 224

Solution to the Cambodian conflict:
a view from Viet Nam
Nguyen Can 237

Annexes

List of participants 247

List of observers 251

Explanatory Note

This document contains material presented at the United Nations Regional Disarmament Workshop for Asia and the Pacific, held at Bandung, Indonesia, from 28 January to 1 February 1991. The Workshop was organized by the Department for Disarmament Affairs of the United Nations Secretariat in cooperation with the Government of Indonesia and the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific. Representatives from 21 countries participated in the Workshop in their personal capacity.

The views expressed in the papers are those of the authors and do not necessarily reflect the views of their Governments or of the United Nations Secretariat.

Articles appearing in this publication may be reprinted without permission, provided that the credit line reads, "Reprinted from *The United Nations Regional Disarmament Workshop for Asia and the Pacific*", and that a tearsheet is sent to the Department for Disarmament Affairs, United Nations, New York, New York 10017.

Acronyms and Abbreviations

ABM	anti-ballistic missile
ANZUS	Australia, New Zealand, United States
APEC	Asia-Pacific Economic Co-operation
ASEAN	Association of South-East Asian Nations
CBM	confidence-building measure
CSCE	Conference on Security and Co-operation in Europe
CTB	comprehensive test ban
GATT	General Agreement on Tariffs and Trade
IAEA	International Atomic Energy Agency
NATO	North Atlantic Treaty Organization
NFZ	nuclear-free zone
NSAs	nuclear security assurances
NSG	Nuclear Suppliers Group (the London Club)
NWFZ	nuclear-weapon-free zone
OPANAL	Agency for the Prohibition of Nuclear Weapons in Latin America and the Carribean
RCA	Regional Co-operative Agreement [for Asia and the Pacific]
RCAs	riot control agents
SALT	Strategic Arms Limitation Talks
SBEC	South Pacific Bureau for Economic Cooperation
SDI	Strategic Defense Initiative ("Star Wars")
SEAZOPFAN	South-East Asia zone of peace, freedom and neutrality
SLOC	sea lane of communication
SNC	Supreme National Council [Cambodia]
SOPAC group	South Pacific group [informal]
SPC	South Pacific Commission
SPNFZ	South Pacific nuclear-free zone
SPREP	South Pacific Regional Environment Programme
START	Strategic Arms Reduction Talks
USP	University of the South Pacific
ZOPFAN	zone of peace, freedom and neutrality

Treaties and Agreements mentioned in the papers

Multilateral (including regional) agreements

PTBT (partial test-ban Treaty) - Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water (1963)

Treaty of Tlatelolco - Treaty for the Prohibition of Nuclear Weapons in Latin America and the Carribean (1967)

NPT (non-proliferation Treaty) - Treaty on the Non-Proliferation of Nuclear Weapons (1968)

biological weapons Convention - Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (1972)

Treaty of Rarotonga - South Pacific Nuclear Free Zone Treaty (1985)

CFE Treaty - Treaty on Conventional Armed Forces in Europe (1990)

The texts of the above-mentioned agreements, with the exception of the CFE Treaty, are reproduced in *Status of Multilateral Arms Regulation and Disarmament Agreements*, 3rd edition: 1987 (United Nations publication, Sales No. E.88.IX.5 and corrigendum). The text of the CFE Treaty is reproduced in *The United Nations Disarmament Yearbook*, vol. 15 (United Nations publication, Sales No. E.91.1X.8), appendix II.

* * *

The latest text of the draft convention on chemical weapons is given in the report of the Conference on Disarmament to the General Assembly at its forty-fifth session (*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 27*), chap. III D.

Bilateral agreements

ABM Treaty (anti-ballistic missile Treaty) - Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems (1972)

INF Treaty - Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (1987) (The text of the Treaty is reproduced in *The United Nations Disarmament Yearbook,* vol. 12: 1987 (United Nations publication, Sales No. E.88.IX.2), appendix VII.)

chemical weapons Agreement - Agreement between the United States of America and the Union of Soviet Socialist Republics on Destruction and Non-Production of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons (1990) (The text of the Agreement is reproduced in *The United Nations Disarmament Yearbook,* vol. 15: 1990 (United Nations publication, Sales No. E.91.IX.8), appendix IV.)

Programme of the Workshop

Monday, 28 January 1991

11 a.m. - 12.30 p.m.	Opening ceremony chaired by Mr. Sola Ogunbanwo Senior Co-ordinator United Nations Disarmament Fellowship, Training and Advisory Services Programme
	Welcoming address by Lieut. Gen. (Army) Yogie S. Memet Governor of West Java Province Indonesia
	Opening address by Mr. Yasushi Akashi Under-Secretary-General for Disarmament Affairs United Nations, New York
	Keynote address by H.E. Mr. Ali Alatas Minister for Foreign Affairs Indonesia
3 p.m. - 6 p.m.	Peace and security in the Asia-Pacific context
	Speakers: Professor M. Zuberi Jawaharlal Nehru University New Delhi, India
	Dr. Don J. MacKay Director, Disarmament and International Security Division, Ministry of External Relations and Trade New Zealand

Discussion chaired by
Ambassador Wirjono Sastrohandoyo
Director General for Political Affairs
Department for Foreign Affairs
Indonesia

Tuesday, 29 January

9 a.m. - 12.45 p.m. Global disarmament efforts to strengthen the regime of the non-proliferation of nuclear and other weapons of mass destruction

1. Non-proliferation of nuclear weapons

Speakers:
Ambassador Brett T. Lineham
Director
New Zealand Planning Council
New Zealand

Ambassador Chusei Yamada of Japan was unable to participate in the Workshop, but the paper submitted by him was introduced for discussion

2. NPT Review Conferences

Speaker:
Dr. John Gee
Director
Chemical and Biological Disarmament Section
Department of Foreign Affairs and Trade
Australia

3. PTBT and its Amendment Conference

Speaker:
Dr. Don J. MacKay

Discussion chaired by Mr. Yasushi Akashi

2 p.m. - 5 p.m. Visit to IPTN Aircraft Industry

7.30 p.m. -
10.30 p.m.

Peace and security in the Asia-Pacific context

Speakers:
Dr. Alexei V. Zagorsky
Deputy Head
Department for Japanese and Pacific Studies
IMEMO, USSR

Dr. Amos Jordan, President of the Pacific Forum/ CSIS, was unable to participate in the Workshop, but the paper submitted by him was introduced for discussion.

Discussion chaired by Dr. Sudjati Djiwandono
Senior Researcher
Center for Strategic and International
Studies (CSIS) of Indonesia

Wednesday, 30 January

9 a.m. -
12.45 p.m.

Chemical weapons convention

1. Chemical arms limitation and disarmament: an overview

Speaker:
Dr. John Gee

2. Current status of negotiations on the chemical weapons convention

Speaker:
Dr. Joachim Krause
Director of Studies
Research Institute of International Affairs
Germany

3. Approaches for resolving remaining questions

Speaker:
Dr. Joachim Krause

Other aspects of the chemical weapons convention

1. Verification issues/sanctions for non-compliance

Speaker:
Dr. Joachim Krause

2. International Organization to be established under the chemical weapons convention

Speaker:
Dr. Joachim Krause

3. National implementation of the future chemical weapons convention

Speaker:
Dr. John Gee

Discussion chaired by Mr. Toshio Watanabe
Deputy Head of the Delegation of Japan to the Conference on Disarmament

2.40 p.m. - 5.30 p.m. Regional disarmament efforts and proposals to strengthen the non-proliferation regime

South-East Asian, South Asian and the Pacific perspectives

1. Introductory statement

Speaker:
Mr. Sola Ogunbanwo

2. The South Pacific Nuclear Free ZoneTreaty: Treaty of Rarotonga

Speakers:

Dr. John Gee
Dr. Don J. MacKay

Discussion chaired by Mr. Sola Ogunbanwo

Thursday, 31 January

9 a.m. - 10.45 p.m.

Proposals relating to the establishment of a nuclear-weapon-free zone in South-East Asia

Speaker:
Lieut. Gen. Purbo S. Soewondo (ret.)
Former Ambassador and Deputy Permanent
Representative of Indonesia to the United Nations

Discussion chaired by Mr. Don J. MacKay

Proposals relating to the establishment of a nuclear-weapon-free zone in South Asia

Speaker:
Dr. Ross Masood Husain
Board of Governors
Institute of Regional Studies
Islamabad, Pakistan

Zones of peace

Speaker:
Dr. Ross Masood Husain

Discussion chaired by Mr. Hadi Wayarabi
Senior Official in the Directorate-General
for Political Affairs
Department for Foreign Affairs
Indonesia

Friday, 1 February

9 a.m. -
12.45 p.m.

Conflict resolution in the Asia-Pacific region
Regional case studies

Speakers:
Lieut. Gen. A. Hasnan Habib (ret.)
Former Ambassador of Indonesia
to the United States

Ambassador Nguyen Can
Ministry of Foreign Affairs
Viet Nam

Discussion chaired by
Ambassador Nana Sutresna
Permanent Representative of Indonesia
to the United Nations

2.30 p.m. -
4.00 p.m

Evaluation

Speaker:
Dr. Sudjati Djiwandono

Discussion chaired by Mr. Sola Ogunbanwo

4 p.m. -
4.45 p.m.

Press Conference (jointly held by the United Nations
and the Government of Indonesia)

5 p.m.- 6 p.m.

Closing session

Statement by Ambassador Nana Sutresna

Statement and award of certificates by
Mr. Sola Ogunbanwo

Part One

Opening Addresses and Summary

Opening Statement

Yasushi Akashi

It is a great pleasure for me to be able to participate with you in this 1991 United Nations Regional Disarmament Workshop for Asia and the Pacific. Here in this historic hall, inscribed so eminently in the history of modern world, we already feel imbued with the ideals that animated Asian leaders in 1955.

Allow me, first of all, to express my deep appreciation to the Government of Indonesia for its generous offer to host this Workshop. It is yet another expression of Indonesia's strong and consistent support for the United Nations and for the Organization's work in the field of arms limitation and disarmament. The colourful and artistic reception we have witnessed this morning is a manifestation of the legendary hospitality of Indonesia. We feel honoured indeed that Mr. Ali Alatas, the Foreign Minister, is here with us today. Mr. Alatas is a diplomat highly respected at the United Nations, where he is held in great affection by all and where he has played many vital roles in the past 20 years. I would mention, in particular, his outstanding chairmanship of the First Committee, his work in the Group of Governmental Experts on the Naval Arms Race, and his presidency of the recent Amendment Conference of States Parties to the partial-test-ban Treaty. Nor can we fail to mention his current leadership in strenuous arduous efforts to settle the Cambodian question. He is a man of courage, perspicacity, clarity and grace – qualities which multilateral diplomacy demands and has need of today.

Indonesia has always been active in disarmament negotiations, both at the United Nations and at the Conference on Disarmament. As Chairman of the 1990 session of the United Nations Disarmament Commission, Ambassador Nana Sutresna continued that tradition and was instrumental in furthering the efforts to enhance the work of the Commission.

Indonesia is in the forefront at the United Nations in advocating a reversal of the ruinous arms race. Indeed, it was in this city

---

Yasushi Akashi is Under-Secretary-General of the United Nations Department for Disarmament Affairs.

that Indonesia, together with 28 other countries, declared at the historic Bandung Conference 36 years ago, in April 1955, that "universal disarmament is an absolute necessity for the preservation of peace" and urged all States to "co-operate especially through the United Nations in bringing about the reduction of armaments and the elimination of nuclear weapons under effective international control".

We are witnessing today a rapid transformation of the international political situation. With the dismantling of the Berlin Wall, a period in history dominated largely by confrontation between what appeared to be the irreconcilable ideologies of the East and the West has come to an end. Under the Treaty on Conventional Armed Forces in Europe (CFE) signed in Paris last November, major reductions in weaponry and conventional forces will begin to take place in the most heavily armed region of the world. A new pattern of inter-State cooperation within the framework of the Conference on Security and Co-operation in Europe is now being forged in Europe. A serious test of statesmanship, at this time, is to find a way to ensure that radical changes in Eastern Europe and within the Soviet Union are accomplished peacefully and democratically.

The threat of a nuclear confrontation has diminished significantly as a result of the agreement between the two major Powers to reduce their nuclear stockpiles. While applauding the signing and the successful implementation of the INF Treaty, the international community eagerly anticipates the conclusion in the near future of a START agreement, to be followed by START II, between the United States and the Soviet Union to substantially reduce their strategic nuclear weapons.

As the prospect of disarmament begins to look promising in one region, it is regrettable that it is seriously jeopardized in a number of others where old conflicts persist and new ones threaten to erupt. Events in the Persian Gulf strongly underscore the need to fully uphold the principles enshrined in the Charter of the United Nations and to reverse the vicious spiral, as well as the mutually ruinous effects, of the arms race. In addition to the conflicts and the increasing instability in certain regions, the world is also faced with ever widening economic cleavages, ecological destruction, population and refugee problems, drug addiction, and new epidemics such as AIDS. In response to the reality of growing global interdependence, the community of nations is compelled to redefine national security in a much broader perspective.

It is now widely acknowledged that the broader participation of States in the nuclear non-proliferation regime, with the NPT as its cornerstone, is of fundamental importance. The Fourth Review Conference of the non-proliferation Treaty and the Amendment Conference of the partial test-ban Treaty have however shown that the issues involved are both difficult and complex. Collective efforts have to be sustained in order to enhance the prospect of achieving, ultimately, a comprehensive test ban in the context of general and complete disarmament.

In addition to nuclear weapons, other weapons of mass destruction, in particular chemical and biological weapons, and their delivery systems, continue to cause deep concern. Arduous negotiations on a comprehensive ban on chemical weapons are going on in the Conference on Disarmament in Geneva, centring round the questions of verification, the order of destruction, sanctions and technical cooperation. There is no doubt that an expeditious conclusion of a chemical weapons convention is a matter of the highest priority if we are not to be accused by history of having failed to seize an opportunity once again.

In the context of the progress in arms control and disarmament between the two major Powers and in Europe, the limitation of conventional arms and regional disarmament are assuming increasing importance. This is seen from the General Assembly's unanimous reaffirmation, at the forty-fifth session, that the regional approach to disarmament is one of the essential elements in global efforts.[1] In welcoming the progress achieved in Europe, the Assembly has also unanimously invited all States to consider appropriate measures to reduce the risk of confrontation and to strengthen security, taking due account of specific regional conditions.[2] Furthermore, the Assembly has called upon States to conclude agreements, wherever possible, for nuclear non-proliferation, disarmament and confidence-building measures at the regional and subregional levels.[3]

Turning to our part of the world, the Asia-Pacific region, it is apparent that, while there have been some positive developments, a relaxation of tension has yet to become predominant. In North-East Asia, efforts have been made to establish a dialogue with a view to reducing tensions and normalizing relations between the various States.

In South-East Asia, the prospects for a peaceful resolution of the Cambodian conflict seem to be bright, thanks substantially to the dedicated efforts of Foreign Minister Alatas, but a political settlement has not yet been reached. At the same time, ethnic and other violence persists, and several territorial disputes remain unresolved.

Nevertheless, the States in this vast region must strive to capitalize on the positive developments in the international situation in order to find mutually acceptable measures that would promote a further reduction of tensions, increase confidence and facilitate the peaceful resolution of conflicts and disputes. The adoption of such measures would surely have a beneficial effect on a number of proposals such as those for the establishment of nuclear-weapon-free zones and zones of peace, which are designed to strengthen the non-proliferation regime and enhance peace and security in the region. In this connexion I am happy to report to you that the meeting on confidence-building measures in Asia and the Pacific, concluded just two days ago in Kathmandu, Nepal, showed a great willingness on the part of all participants to examine new specific proposals and measures to enhance mutual trust and stability.

The issues I have mentioned will undoubtedly be more fully explored in your discussions over the next several days. As you are aware, this is the first United Nations Regional Disarmament Workshop for Asia and the Pacific. It is organized within the framework of the United Nations disarmament fellowship, training and advisory services programme. The main objective of the Workshop is to encourage a thorough and serious assessment of the current disarmament issues and negotiations, particularly those of common concern to the countries of the region. We are fortunate to have at the Workshop a group of distinguished speakers who will, I am sure, provide us with valuable insights into various questions on our agenda.

I take this opportunity to express once again our deep thanks to the Indonesian Government for hosting this Workshop. My appreciation goes also to the Governments of Norway and New Zealand, which have made financial contributions to the Workshop to supplement the United Nations regular budget.

I wish all of you a stimulating and fruitful discussion in the days ahead. I hope the Workshop will not only provoke a lively and informative exchange of views among you, but also generate new ideas and proposals for moving the disarmament process forward.

Notes

1. General Assembly resolution 45/58 M of 4 December 1990.
2. General Assembly resolution 45/58 I of 4 December 1990.
3. General Assembly resolution 45/58 P of 4 December 1990.

Keynote Address

Ali Alatas

Let me, first of all, join the Governor of West Java in warmly welcoming you to the city of Bandung and to this United Nations Regional Disarmament Workshop for Asia and the Pacific. It gives me particular pleasure to have among us on this occasion my good friend and esteemed colleague from earlier United Nations days, Mr. Yasushi Akashi, Under-Secretary-General for Disarmament Affairs, as well as Mr. Sola Ogunbanwo, Director of the United Nations Disarmament Fellowship, Training and Advisory Services Programme.

At a time when international attention and concern are riveted to the deeply distressing war that is raging in the Gulf, it seems to me of particular relevance that diplomats, scholars and professionals are gathered here to exchange views and experience on ways to enhance peace and security in our region. I am hopeful, therefore, that your deliberations in this forum will contribute in a concrete and timely fashion to the ongoing efforts to secure these goals, both globally and regionally, through the cessation of the arms race and disarmament.

The convening of this Workshop in Bandung can be seen to be a reflection of Indonesia's long-standing and unremitting support for the role played by the United Nations in ensuring and maintaining international peace, security and disarmament. Indonesia's active endeavours in this regard date back to the early years of our independence. The convening in 1955 of the Asian-African Conference, in the city of Bandung and in this very hall, was a historic watershed in world developments. It signalled the determination of the newly emerging nations of the two continents to strive towards the establishment of a new world order of abiding peace, genuine independence and social justice. The primacy accorded to the central role of the United Nations was manifested in the first of the Ten Principles or *Dasa Sila* adopted by the Conference, which proclaimed respect for the purposes and principles of the Charter. And with keen foresight, the Conference in its Final Communiqué *inter alia* declared that:

Ali Alatas is Minister for Foreign Affairs of Indonesia.

> "disarmament and the prohibition of the production, experimentation and use of nuclear and thermo-nuclear weapons of war are imperative to save mankind and civilization from the fear and prospect of wholesale destruction" ...

and that:

> "universal disarmament is an absolute necessity for the preservation of peace".

It requested the United Nations to continue its efforts and appealed to all concerned

> "speedily to bring about the regulation, limitation, control and reduction of all armed forces and armaments, including the prohibition of the production, experimentation and use of all weapons of mass destruction, and to establish effective international control to this end".

The seeds sown in Bandung blossomed in Belgrade, six years later, where they provided the conceptual impetus for the birth of the Movement of Non-Aligned Countries, with its much wider political and geographical reach. It can therefore be said that the Asian-African Conference contributed to bringing about a radical transformation of the geopolitical map of the world as reflected most notably in the United Nations.

The maintenance of peace and security has been and continues to be the major preoccupation of the United Nations since its inception. It is to this overriding objective that all other endeavours of the Organization are to contribute. The basic approach was through a system of collective security, which was to be enforced by effective collective measures. Specific provisions were included in Article 11 of the Charter, governing the regulation of armaments and disarmament. It should be noted, however, that these provisions were adopted prior to Hiroshima and Nagasaki and, hence, the detailed principles and aims of disarmament were accorded less prominence. However, with the advent of nuclear weapons and the East-West confrontation, few other issues have evoked such urgent concern and the unceasing attention of the United Nations as have questions relating to arms reduction and disarmament.

Since the end of the Second World War, international efforts at arms limitation have resulted in a number of multilateral and bilateral agreements. In this connection, particular mention should be made of the partial test-ban Treaty, the non-proliferation Treaty, the biological weapons Convention, the ABM Treaty, SALT I and SALT II, the INF and CFE Treaties and, it is hoped, the soon-to-be-completed treaty on strategic arms reduction. However, notwithstanding the large number of multilateral and bilateral agreements in the disarmament field currently in force, the real picture remains one of rather marginal progress in genuine and meaningful arms reduction and disarmament, as distinct from the mere regulation and control of the global arms race. For with the exception of the 1972 biological weapons Convention and the 1987 INF Treaty, these agreements have for the most part been aimed at setting limits or ceilings to the growth of armaments rather than their actual reduction or elimination. We are also acutely aware that even if the START negotiations were to succeed in reducing strategic nuclear weapons by a substantial percentage (30 per cent as now being envisaged), the size of the nuclear arsenals of the two major Powers, after such a reduction, would still be considerably larger than in 1963, or in 1968, when the partial test-ban Treaty and the non-proliferation Treaty respectively were signed. Even more profoundly disturbing is the fact that, in step with the rapid advances in science and technology, new, ever more destructive and sophisticated weapons continue to be added to the arsenals of nations even as their numbers are being reduced. It is for this reason that Indonesia, as well as other non-aligned and non-nuclear States have emphasized the need to address the qualitative aspects of the global arms race as a matter of central and urgent concern, along with its quantitative aspects. And it is for the same reason that we have been pressing for the banning of all nuclear tests, by all States, in all environments, for all time, as the one essential step towards preventing the qualitative improvement of existing, and the development of new, nuclear weapons, as well as in stemming the horizontal proliferation of nuclear weapons.

It is now generally recognized that security concerns are, more often than not, of regional origin as many States perceive threats to their security as either emanating from or related to conditions in their own regions. Hence, regional security concerns constitute important factors in disarmament efforts and this fact, in turn, points up the validity and value of a regional approach to disarmament.

At the same time, regional security cannot be viewed in isolation from extraregional and/or global factors and conditions which, in addition, constitute the integral elements of regional security. Consequently, disarmament efforts in one region cannot be divorced from disarmament efforts in other regions or from global efforts, particularly in the context of the nuclear arms race among the major Powers. Nor can disarmament efforts simply be regionally compartmentalized, with each region deciding, within its own confines, what can or what cannot be done, since such an approach could lead to an imbalance in the security of States, both intraregionally and in relation to extraregional States. Still, taking these caveats into account, it is undeniable that the regional approach to disarmament can make a significant contribution to general and complete disarmament, as in certain cases arms limitation and disarmament efforts could be advanced more effectively within a narrower (regional) framework than through the application of global concepts and standards to widely differing regional situations.

From a historical viewpoint, it is pertinent to note that the regional approach to disarmament and security is not a new notion. A number of initiatives and proposals have been made in this respect since the end of the Second World War. At first, these were mainly related to the continent of Europe, the theatre of growing confrontation and arms competition between the two major Powers and their military alliances. Subsequently, the emergence of the newly independent nations from colonial bondage and the advent of the Movement of Non-Aligned Countries contributed to bringing about a fundamental revision of the dangerous simplicities of cold-war and Power-bloc politics. Henceforth, the interests, concerns and geopolitical realities of Asia, Africa and Latin America progressively assumed greater prominence and their rightful place in the disarmament efforts of the international community as did their differing views on certain fundamental premises and concepts regarding international peace and security hitherto espoused by the major Powers of the world.

Asia and the Pacific is a vast region, inhabited by more than half of the world's population and encompassing countries of tremendous diversity in size and in economic and politico-military strength. It is a region where both the physical presence and the large interests of four major Powers, the United States of America, the

Union of Soviet Socialist Republics, China and Japan, intersect. It is also a region that has over the past four decades been the scene of endemic conflicts and tensions and it continues to be. Consequently, a unique geopolitical configuration of forces obtains in this part of the world. The crucial importance of international navigation through a number of narrow straits and vital sea lanes throughout the region also renders it a theatre of high strategic value. The situation is further complicated by the geographical proliferation of nuclear weapons in the north Pacific and Indian oceans. The disposition towards the reduction of armaments is therefore by no means self-evident. In this context, I am pleased to note that the agenda of this Workshop indeed covers the range of issues of particular concern to the countries of Asia and the Pacific. These can be grouped broadly into issues of security and disarmament including specifically weapons of mass destruction, nuclear-weapon-free zones and confidence-building measures – and modalities for the peaceful resolution of conflict situations.

Within the regional approach to security and disarmament, *nuclear-weapon-free zones* (NWFZs) offer a particularly worthwhile option, as the establishment of such zones implies the complete absence of nuclear weapons in certain designated regions of the world as well as security guarantees by the nuclear-weapon States on the non-use or threat of use of these weapons against zonal States. Such a zonal regime also carries positive implications for strengthening the non-proliferation Treaty, by reinforcing it through more specific guarantees and arrangements by and with the nuclear Powers.

In the course of this Workshop you will have an opportunity to discuss the various forms and particular modalities of a number of such zones, both those already established, such as those in the Antarctic, Latin America and the South Pacific, and those still being considered, in for example Africa, the Middle East, South Asia and South-East Asia. I shall not therefore elaborate further on them now, except to state that the process of establishing these zones should indeed be encouraged while at the same time full account should be taken of the fact that any agreements or arrangements to these ends should be freely arrived at among the regional States concerned.

The concept of *zones of peace* likewise places certain restraints on the actions by extra-zonal Powers in the deployment of forces, including nuclear forces, within the zone. The most recent proposal for the establishment of a zone of peace in the South Atlantic region as well as the ongoing endeavours relating to the Indian Ocean demonstrate the growing interest in such approaches to regional peace and security.

It is equally important to strengthen the role of regional and subregional groupings of States in addressing and resolving their particular security concerns through more widely gauged forms and modalities of regional cooperation. Indeed, in many parts of the world, regional cooperation in the economic, political and socio-cultural fields have shown their effectiveness in contributing to the reduction of tensions, the peaceful settlement of disputes and the adoption of mutual restraints in armaments programmes, thus moderating regional arms build-ups, enhancing mutual confidence and strengthening regional security.

In this context I should like to share with you the thinking and efforts of the States members of the Association of South-East Asian Nations (ASEAN) in working for the enhancement of peace and security in the region. Let me first state that ASEAN cooperation is firmly grounded in mutual respect for the sovereignty, independence, territorial integrity, equality and national identity of all States in our region. ASEAN cooperation is equally based on such fundamental principles as non-intervention in the internal affairs of States, abstention from the use or threat of force in the settlement of disputes, and peaceful co-existence and mutually beneficial cooperation among States with differing political and economic systems.

ASEAN's security approach is premised on the shared perception that security should grow out of successful national and regional development, thus placing emphasis on the totality of political, economic, socio-cultural and ideological strengths as the foundations of security rather than on the military aspect alone. This in essence is what we in Indonesia and in ASEAN mean by the concept of national and regional resilience. At the same time, the need for military alliances and foreign military establishments is consciously being de-emphasized. Thus, in formulating collective responses to the challenges of intermittent strife and instability in the region, ASEAN has developed norms and methods of consultation and cooperation in political and security matters which have proven their benefit to its members.

This has led to the promulgation of the concept of a zone of peace, freedom and neutrality that would eventually encompass all

States in the South-East Asia region. ZOPFAN – it is now better known by its acronym – embraces a set of guidelines which would constitute a code of conduct governing relations among the States within the zone as well as with those outside it. The guidelines cover the measures and the voluntary restraints to be commonly agreed upon and undertaken by the regional States as well as by the external Powers, especially the major Powers. And, as a matter of course, it reaffirms the strict observance of the basic principles of inter-State relations to which I referred earlier.

ZOPFAN is an evolutionary process. It represents the regional, multilateral framework within which it is hoped to promote national and regional resilience and to seek the disentanglement of the region from the contending global strategic designs of the great Powers. Since its launching in 1972, the ASEAN States have steadily developed and elaborated on the concept, which has gained increasing recognition at the United Nations, in the Movement of Non-Aligned Countries and elsewhere as a viable blueprint for greater harmony, stability and security in the region. Its full realization has unfortunately been retarded by the outbreak and persistence of the Cambodia conflict. Nevertheless, some of its major elements have already been incorporated in the 1976 Treaty of Amity and Co-operation to which all ASEAN countries as well as Papua New Guinea have subscribed and which remains open for accession by all other South-East Asian States.

It is also in this context that ASEAN is working towards the establishment of a *nuclear-weapon-free zone in South-East Asia* (SEANWFZ) as an essential component of ZOPFAN. Towards this objective, we are at present engaged in elaborating its principles and practical modalities. In line with the general parameters of the concept, it is envisioned that the NWFZ would include the land areas and the maritime and airspace under the sovereignty of the South-East Asian countries, the boundaries and limits of which would be determined in accordance with generally recognized principles of international law, including the United Nations Convention on the Law of the Sea.

As none of the countries in South-East Asia has any intention of acquiring or manufacturing nuclear weapons and as all are parties to the NPT, this common denominator will, we believe, augur well for a successful initiative. A nuclear-weapon-free zone is particularly desirable in this region, which has a long history of endemic conflict and instability. The establishment of a nuclear-weapon-free zone in

South-East Asia proposed by ASEAN has encountered opposition from some nuclear Powers which perceive the establishment of such a zone as undermining their doctrine of nuclear deterrence and as establishing an unacceptable precedent for other regions. It is a view that we do not share. In the light of the post-cold-war political setting that is emerging, it is increasingly untenable to justify the relevance of such doctrines, particularly with regard to the regime envisioned in the region where transit rights will most likely have to remain unaffected. Indonesia, therefore, remains hopeful that the proposed South-East Asian zone will become a reality in the near future as ASEAN remains committed to intensifying efforts towards the establishment of both ZOPFAN and SEANWFZ.

There is little doubt in my mind that, in view of the fundamental changes and the new developments and trends currently emerging on the international scene, States and especially developing countries will increasingly turn towards regional arrangements as a means to mitigate or overcome their security concerns, both real and perceived. The strategy of seeking security through military alliances with the major Powers has long been proven to be counter-productive and will indeed become increasingly irrelevant. Likewise, ever-increasing purchases of arms for security purposes have diverted sorely needed resources away from national development efforts without resulting in greater security.

I believe that with the ongoing transformation of the global political climate and conditions, and without minimizing the formidable obstacles that may still be encountered, among which the present Gulf crisis certainly constitutes the most serious set-back, a window of opportunity is opening for the achievement of security at lower levels of armaments. Hence, there is a clear and urgent need to reassess our thinking and approaches towards security and disarmament issues in Asia and the Pacific. Innovative thinking may provide a fresh impetus in these endeavours, yet the consistent application of the basic provisions and a return to the basic spirit and inspiration of the United Nations Charter will be equally required.

It is my hope and expectation that your deliberations in this forum will be able to make a concrete contribution towards this end.

Summary of the Proceedings of the Workshop

Sola Ogunbanwo

The main objectives of the Workshop have been to promote a better understanding and awareness of the current disarmament negotiations and issues, particularly those of common concern to the region, and to facilitate conflict resolution, strengthen disarmament efforts and enhance regional security. As the deliberations in the Workshop amply indicate, both objectives have been achieved in full measure.

The Workshop (a) considered the concepts of peace and security in the Asia-Pacific context; (b) assessed the global efforts to achieve a comprehensive ban on chemical weapons and to strengthen the non-proliferation regimes of nuclear weapons and other weapons of mass destruction; (c) reviewed regional disarmament efforts in general and examined in detail efforts and proposals from the South Asian, South-East Asian and Pacific perspectives; and (d) discussed, through various case studies, conflict resolution in the Asia-Pacific region. This summary is intended to serve as an overview of the Workshop, and not to provide an exhaustive account of its proceedings.

In his opening address, Mr. Akashi noted that there have been some positive and encouraging developments in the Asia-Pacific region, especially in North-East Asia and South-East Asia. He suggested that the States of the region should strive to capitalize on those positive developments and to find mutually acceptable measures that will increase confidence and facilitate the peaceful resolution of conflicts and disputes. In his view, the adoption of such measures will have a beneficial effect on a number of proposals, among them, the establishment of nuclear-weapon-free zones and zones of peace for the purpose of strengthening the nuclear non-proliferation regime and enhancing peace and security in the region.

In his inspiring inaugural address, Foreign Minister Ali Alatas noted that although several bilateral and multilateral arms limitation

Sola Ogunbanwo is the Senior Co-ordinator of the United Nations Disarmament Fellowship, Training and Advisory Services Programme.

agreements have been concluded, there is an urgent need to address the qualitative aspects of the global arms race along with its quantitative aspects. He was of the view that the regional approach to disarmament could make a significant contribution to general and complete disarmament. In this connection, he spelt out ASEAN's security approach with special reference to the concept of a zone of peace, freedom and neutrality (ZOPFAN) and a nuclear-weapon-free zone in South-East Asia.

The papers presented at the Workshop have provided valuable information on, and insights into, the various topics discussed. The discussions which followed the presentations could be grouped under the following headings:

Perception

It is generally recognized that peace and security in Asia and the Pacific are to be understood not merely in military terms, but in a comprehensive way, including political, social, economic and technological aspects and questions of population and terrorism. It is felt that the need to re-examine the problems of peace and security in Asia and the Pacific has become more urgent in the light of current changes in global politics and economics flowing from the end of the cold war and their possible impact on and implications for the region. A number of participants pointed out that the subregions of the Asia-Pacific region will perceive these changes in a variety of ways owing to their respective historical, geographical, demographic, ecological, social, cultural and traditional backgrounds. This accounts for the constant lack of commonality in their perceptions of peace and security as well as in their concerns with regard to the issues of the arms race, disarmament, non-proliferation of nuclear weapons and the elimination of chemical weapons.

Approach to peace and security

It has been noted that there is great diversity among the countries of the Asia-Pacific region – differences in wealth and size and, as mentioned above, in security perceptions. With a view to promoting cooperation among them, it has been suggested that different levels of approach to the problems of peace and security be taken in the following order: bilateral; subregional; interregional/subregional; and regional for the wider Asia-Pacific region.

One consideration for adopting such an incremental approach is the belief that geographical proximity will likely be conducive to the promotion of common interests and perceptions. Such an approach is realistic and will facilitate dialogue, the reduction of tensions and the achievement of consensus. As regards disarmament, any one of these approaches may even be preceded by a unilateral action, to be followed by bilateral, subregional and regional steps.

Whatever the level of approach advocated, there is an awareness of the concept of peace and security on a world scale, a recognition of the extensive economic, political and environmental linkages that exist between States. The experience of the Asia-Pacific region suggests that peace and security require the international harmonization of national interests, mutual understanding and a desire to improve relations. Many participants are of the view that modest dialogue and the development of mutual confidence are important first steps in this process.

In this context, many believe that, at least at this stage, it would be inappropriate to consider establishing an institution for Asia and the Pacific along the lines of the CSCE. European experience based on peculiar European conditions cannot simply be applied to Asia and the Pacific. The diversity of Asia and the Pacific would militate against the establishment of such a model or framework, unless it were confined, for the primary purpose of confidence-building, to an informal forum for dialogue and an exchange of views on a wide range of common problems peculiar to the region.

The role of major Powers

The question of the role to be played by the major Powers in Asia and the Pacific has been raised, particularly in the light of the possible decline, even if only in relative terms, of the United States and Soviet presence in the region. It is generally felt that the nations of the region should respond not only to the role of the major Powers, but also in the context of their overall relations with one another and in terms of possible regional dialogue and cooperation. This approach would not deny the fact that a particular major Power might have a special role to play in certain areas.

NPT

Very lively discussions addressed different aspects of the NPT: the obligations of the nuclear-weapon States under article VI of the Treaty, the global dangers inherent in horizontal proliferation, and some of the Treaty's strengths and shortcomings.

It is felt that, despite its imperfections, the NPT has made a major contribution to regional and international peace and security. There is general support for the extension of the NPT beyond 1995.

PTBT

There has been an exchange of views on the PTBT Amendment Conference, held in January 1991. It is felt that the Conference provided a useful opportunity (a) to review the performance of the PTBT, which has no formal review mechanism, (b) to again bring the issue of a comprehensive test ban into prominence (c) and to focus on the progress which has been made on key issues such as verification. It has been pointed out that while the negotiation of a comprehensive test ban is desirable, no linkage should be made between its achievement and the extension of the NPT beyond 1995.

Chemical weapons convention

The papers presented provided valuable information on the history of efforts by the international community to achieve chemical disarmament and the current status of the negotiations. Participants generally share the view that, in the light of the complexity of the issues, the proposed convention will be different from anything the world has seen in the field of multilateral disarmament or arms limitation. Some participants believe that, with the necessary political impetus, the convention could be concluded within the next 12-18 months. Others, however, are of the view that negotiations will take much longer to complete, and refer to the fact that there are a number of contentious issues to be resolved, including verification, sanctions and the international organization to be established under the convention.

It has been suggested that in order to overcome the remaining problems and conclude negotiations as soon as possible, a package approach might be taken, by which various trade-offs would be made between different problem areas. However, some caution that trade-offs might later turn out to be unsound or inappropriate. No approach will suffice as long as the negotiating parties are not prepared to abandon two habits: the tendency to overload negotiations with excessive security concerns and the tendency to burden them with matters not belonging to a disarmament treaty. In this connection, it has been suggested that more modest provisions be devised for "verification", "assistance", "sanctions", and "universal adherence".

Some feel that the convening of a ministerial meeting in 1991 would give further political impetus to the negotiations; others, however, feel that it might be premature at this stage to hold such a meeting. It is generally agreed that if the meeting fails, the impact will be very serious. It has also been suggested that, pending the conclusion of the convention, the countries of the region could take a number of steps to strengthen the existing norms against chemical and biological weapons, such as:

- Become full parties to the 1925 Protocol or to the biological weapons Convention (BWC);
- Participate actively in the Third Review Conference of the BWC;
- Acquaint themselves with the progress in the negotiations in the Conference on Disarmament and, where necessary, contribute to its work;
- Consider ways in which their chemical industries could keep abreast of progress in Geneva and consider ways in which their own industries could have an input into the negotiations;
- Commence measures to enable them to implement the provisions of the convention on a national basis as soon as it enters into force.

Some suggest that weapons of mass destruction, such as nuclear weapons, biological weapons and chemical weapons, should be linked and banned altogether, but others point out that this would greatly complicate the negotiations.

The South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga)

The discussion focused on the political, legal and strategic aspects of the Treaty. A number of participants ask whether the Treaty has been compromised because: (a) only two of the five nuclear-weapon States have signed the Protocols open to them; (b) the Law of the Sea allows nuclear-powered and nuclear-armed ships to navigate the international waters and the territorial seas in the zone; and (c) the zone contains within it States that are not parties to the Treaty. It is, however, generally felt that while the Treaty does not yet enjoy the degree of support from the nuclear-weapon States that was hoped for, and while its scope is constrained by the need to act in a manner consistent with the Law of the Sea, it remains valuable because it: (a) demonstrates the opposition of a number of countries in the South Pacific region to nuclear weapons, nuclear testing, and the dumping of nuclear waste in the zone; (b) strengthens the international non-proliferation regime (and indeed encourages States parties to the Treaty of Rarotonga to undertake obligations in excess of those imposed by the NPT); and (c) adds to regional security by preventing the introduction of potentially destabilizing nuclear explosive devices into the South Pacific region by States parties.

Proposal to establish a nuclear-weapon-free zone in South-East Asia (SEANWFZ)

There is general agreement that the establishment of both the SEANWFZ and ZOPFAN, taking into account the concerns of the major Powers and the aspirations of the countries and people of the region, could serve as a confidence-building measure and would lead to an increase of security in the region. In this connection, it is noted that, after several ASEAN meetings, a committee has been established to draft a SEANWFZ treaty.

Conflict resolution in the Asia-Pacific region

It has been noted that the end of the cold war has raised expectations that both the United States and the USSR will cut their military budgets and negotiate more arms limitation agreements. It has been further pointed out that the post-cold-war era would provide a historic opportunity to resolve regional conflicts and curb the arms race.

Three dimensions of conflicts are discernible in the region: (a) internal, comprising conflicts based on ideology, ethnicity, religion, race, socio-economic inequities, and political differences;

(b) intraregional, such as the Cambodian conflict; and (c) extraregional. It has been pointed out that ASEAN has become a vehicle for regional settlement of disputes, as well as for regional confidence- and security-building.

Overall evaluation and concluding remarks

The deliberations during all the sessions of the Workshop have been characterized by maximum candour and openness, and an atmosphere of friendliness and geniality. At the personal and informal level, therefore, the Workshop has provided a good opportunity for the participants to get to know one another, to renew friendships, and to make new friends among diplomats and scholars alike, all of whom have taken part in the Workshop in their personal capacities. This, in itself, is likely to contribute in no small measure to mutual understanding between nations.

The Workshop has a high educational value, not only for the participants themselves, who have learned considerably from one another through their frank exchanges of ideas and information, but also for the public, through the publication and dissemination of its proceedings. Finally, the ideas, knowledge and expertise reflected in the Workshop may serve as useful inputs for those engaged in negotiations at all levels on disarmament issues with the view to contributing to the creation and preservation of world peace and security.

Part Two

Papers Submitted to the Workshop

Peace and Security in the Asia-Pacific Context

Security Concerns after the Cold War

M. Zuberi

The end of the cold war led to euphoria and it was assumed last year that the benign impact of this new development would transform the world scene. Some scholars even suggested that it would lead to the "end of history". The old Hegelian dialectics of ideologies had come to an end, at least in the industrialized world. While the developing world would remain mired in history, the richer part of the world had entered a post-historical phase which would eventually end in the "common-marketization" of the globe. The major topics, therefore, were the triumph of capitalism, the political arrangements after the cold war, and the end of history. Nothing could stand against the macroeconomic tide. As the ideological disputes had been satisfactorily resolved, the future was bound to be dull and monochromatic.

The proposition that the developing countries would remain mired in history meant that they would continue to be engulfed in all sorts of conflicts. War was a privilege which only the poor countries could afford. History, therefore, meant what happened to the disadvantaged part of the world. Then came the Iraqi annexation of Kuwait and President Bush drew a "line in the sand". The future of history became bright again.

The era of the cold war was interspersed with periods of *détente* of shorter or longer duration within the framework of the arms race. What occurred last year was qualitatively different from the preceding periods of *détente*. It should be emphasized that the end of the cold war has been achieved, not on the basis of a negotiated truce between the United States and the Soviet Union or of a convergence of the two systems, but on the basis of profound changes in the domestic policy of one of the super-Powers. The turmoil in the Soviet Union and the collapse of the East European regimes has eliminated the Soviet threat, which provided the rationale for the military alliances and underpinned the global arms race. A different set of concerns for the United States, including the relative decline of its economic status in the

M. Zuberi is a professor at the School of International Studies, Jawaharlal Nehru University, New Delhi, India.

hierarchy of States, has contributed towards an attempt to redefine the future role of the North Atlantic Treaty Organization (NATO) and the United States-Soviet relationship. The lowering of global tensions and the consequent amelioration of conditions in various parts of the world have naturally flowed from the slowing down of the global arms race.

Reflecting on the relative decline of the United States, an American scholar has observed that the United States now owed foreigners more than Argentina, Brazil and Mexico combined and that Germany and Japan set the value of the dollar.

Opinion within the United States has been divided on the factors which led to this significant transformation. While some have welcomed it and are proposing significant modifications in United States foreign and defence policies, others have claimed that the benign changes taking place are the result of the tough defence posture maintained by the Western Powers. The policies of containment, in their view, have been a great success. Commenting on the impact of nearly five decades of the cold war on American politics and society, Senator Patrick Moynihan has observed:

> "The cold war has changed us. We became a national security State."

He then asked the question:

> "How do we demobilize? How do we move from a national security State to a Government that merely asks what are our interests abroad and our needs at home, and calmly and openly pursues them? What a wonderful change!"

There is one major change which has occurred recently and which has great symbolic value. The United States Strategic Air Command Post – the so-called Doomsday Plane – which had been in the air since 3 February 1961, was grounded at the Air Force Base in Omaha on 24 July 1990.

The post-cold-war world will be multipolar but without any resemblance to the past. The poles will have various currencies of power – in military terms the Soviet Union will remain a major Power and in economic and financial terms Japan and Germany are already reckoned as global giants. The United States will continue to remain the only economic as well as military super-Power. Demographically at least, China and India will loom large on the horizon. As the utility of military prowess has been reduced, economic power will play a greater role in the new world. Security in this world will, to a considerable degree, be determined by the relationship between these poles.

The global economy has also changed significantly. The old system of trade liberalization and stable currencies no longer exists. There is a growing trend towards protectionism, upheavals in monetary and financial markets and a regionalized world economy which is coalescing along three lines: the European Common Market towards which Eastern and Central European countries are being drawn, the United States, Canada and Latin America, and an amorphous grouping in the Asia-Pacific region centred upon Japan. The boundaries of these groupings are porous and memberships overlapping. Other countries will have to reposition themselves in these groupings at a time when the old security relationships are in a state of flux. Shintaro Ishihara has predicted that "the twenty-first century will be a century of economic warfare".

The escalating cost of technological development, the importance of economies of scale and the spread of protectionism have made participation in the three groupings a necessity for multinational corporations and has resulted in intercorporate alliances. Another factor is the fragmentation of the production process and the location throughout the world of various stages of component production and final assembling of components. Developing countries will find it difficult to wriggle out of the strangling embraces of the new wielders of economic and technological power.

We are in the midst of the third technological revolution. Borders have become porous and information now travels at lightning speed irrespective of customs and duties. The precision revolution in military technology is being demonstrated in the Gulf War.

Nuclear weapons are still well entrenched despite the end of the cold war. Kenneth Waltz has succinctly summarized the role of nuclear weapons in maintaining peace:

> "Never since the Treaty of Westphalia in 1648, which conventionally marks the beginning of modern history, have great Powers enjoyed a longer period of peace than we have known since the Second World War. One can scarcely believe that the presence of nuclear weapons does not greatly help to explain this happy condition."

Nuclear weapons are considered to have a pacifying role in world affairs because of the caution they generate, the security they provide, the rough equality they impose, and the clarity of relative power they create. This view of the pacifying role of nuclear weapons has played an important part in legitimizing the strategy of nuclear deterrence and the armamentarium of weapons of mass destruction. There are, of course, powerful movements working for nuclear disarmament and there have been successive waves of anti-nuclear demonstrations in the past, the last one having petered out in the latter part of the 1980s. There seems to have been a reappraisal even in the Soviet Union about the positive role that nuclear stockpiles have played. While in the past the Soviet Union has campaigned for the total elimination of nuclear weapons, and President Gorbachev, along with the former Indian Prime Minister Rajiv Gandhi, signed the Delhi Declaration, which pledged the two countries to campaign for the establishment of a non-violent, non-nuclear world, Igor Sergeev, head of the Soviet Strategic Rocket Forces, has recently observed:

> "If we break away from the old ideological clichés, however, we admit that it was precisely nuclear parity, the existence of nuclear weapons on both sides, that has preserved peace. In my opinion, it is guarantor for the impossibility of a world war, and it can even play a pacifying role in regional conflicts. ... Not long ago we talked differently and also acted differently."

While the number of United States warheads to be removed from missiles under the INF Treaty between 1989 and 1991 was 521, 4,800 new warheads were slated to be produced during the same period. There is no prohibition against the recycling of the fissionable material from the warheads to be removed under the INF Treaty. It is estimated that the reduction in the United States-Soviet stockpiles under START 1 will be considerably less than the anticipated 50 per cent reduction because of clever counting rules. The United States inventory of warheads would be reduced by only about 10 per cent if the Pentagon plans were accepted by the United States Government. The advantages accruing to the United States from START 1 have been succinctly summarized by United States former Secretary of Defence Harold Brown thus:

> "One measure of the value of the reductions is that the START will – almost free of charge – reduce the Soviet missile forces by an amount greater than

> the attrition that would result from an SDI deployment that met the Joint Chiefs of Staff's requirements."

It is estimated that the fissionable material contained in the American and Soviet warheads consists of 200 tons of plutonium and 1,000 tons of enriched uranium. The United States will recover an additional 17 tons of plutonium and 80 tons of enriched uranium from the warheads covered by the INF Treaty. From START the total could range between 9 and 24 metric tons. The Soviet Union will also have additional fissionable material which can be recycled into new packages. Each of the two arsenals after START is estimated to be roughly equal to 60,000 Hiroshima bombs. There is thus the prospect that instead of swords being beaten into ploughshares, the ploughshares will be beaten into swords once again.

There is, however, a de facto moratorium on the production of new fissionable material in the United States. This happy situation has resulted not from arms control negotiations but from the scandalous environmental and safety record of the American nuclear weapons production complex. This complex employs 100,000 people in facilities spread over 13 States with an annual budget of $US 8 billion. The conditions of the Soviet weapons complex are thought to be equally, if not more, dismal. The American fissionable production facilities have been closed down and there is an ambitious project for cleaning up the weapons complex which is estimated to cost about $US 200 billion or more over the next 30 years and is destined to become one of the largest and most expensive public works projects. Some of the Soviet fissionable material production reactors have also been closed down for similar reasons.

There is thus a window of opportunity for a cut-back on the production of fissionable material for weapons purposes which may not occur at a later stage. A group of 54 American scientists, diplomats and other experts have, therefore, suggested an immediate halt in the production of this dangerous commodity.

The peaceful nuclear programmes of the highly industrialized countries have also accumulated great quantities of plutonium. France, Great Britain and Japan are operating or have programmes for the construction of reprocessing plants to separate plutonium from spent fuel. The already negotiated nuclear fuel reprocessing contracts entail the separation of over 20,000 kilograms of plutonium annually in Europe and Japan by the year 2000. The spent fuel will be transported from more than 100 reactors to reprocessing plants, the separated plutonium will then be sent to fuel-fabrication plants, and the resulting mixed-oxide fuels will be sent to the reactors. It is proposed that about half of the separated plutonium be transported across international boundaries. This will pose considerable security challenges as regards the protection of such dangerous shipments. We can get a glimpse of the future by noting what happened in 1984. About 250 kilograms of plutonium oxide, separated in France from Japanese reactors, were returned to Japan by a cargo ship. This ship carried no other commodity than the plutonium. It made no intermediate stops and was continuously tracked through satellites by Japanese officials. The possibilities of terrorist attacks on such cargo ships and storage facilities for separated plutonium will raise new sets of security concerns.

The coming decades would be plagued by the non-military threats to global security. Global warming, population explosions, ethnic violence, political upheavals, religious fanaticism, and terrorism of various kinds will be on the agenda. The clarifying simplicity of the cold war will be missing in the new era. So we can say that there will be no end of history but a new turn in the evolution of mankind.

Pacific Concepts of Peace and Security: A View from New Zealand

Don J. MacKay

Concepts of peace and security are based on the harmonizing of the national interests of States, and originate from the fact that no State exists in isolation. The interdependence of nations is not a new phenomenon. Throughout history States have been bound together by the political, social, economic, cultural and ideological behaviour and interests of their neighbours.

However, if the interdependence of nations is not new, the extent of that interdependence in today's technological world is. Until fairly recently, concerns about peace and security tended to be localized, usually confined to a State's immediate neighbourhood. But the technological advances of the last century and a half have changed the nature of the world. Developments such as television and intercontinental ballistic missiles and the greenhouse effect and the international market-place serve to link the countries of the world together in a way that is new.

Today we are all neighbours inasmuch as the actions of a country on the other side of the world can impact on us as if it were next door. More than ever before, there is an awareness of common peace and security on a world scale, a recognition of the extensive economic, political and environmental linkages that exist between States. This was one of the key themes which emerged from the Pacific Security Symposium held in New Zealand last year.

Because of this sense of interdependence and common security, States have been encouraged to search more urgently and imaginatively for ways to harmonize their national interests.

A great deal of effort has been put into encouraging dialogue and confidence-building at bilateral, regional and global levels, in the belief that if the peoples and leaders of the world understand each other better, and become more familiar with each other's interests, then interdependence in the age of technology could be a source of mutual advantage rather than a cause for concern.

Don J. MacKay is Director of the Disarmament and International Security Division of the Ministry of External Relations and Trade of New Zealand.

Creating opportunities for dialogue between States is not new—as the League of Nations and the nineteenth century European Congress system show—but since the Second World War there has been a proliferation of formal and informal points of contact designed to enhance the relationship between nations, and so promote peace and security.

This is certainly true for New Zealand, and for that part of the world which New Zealand knows best: the South Pacific.

Bilateral relations

As far as New Zealand is concerned, its chief bilateral relationship is with Australia. The two trans-Tasman neighbours enjoy a close relationship. They have a strong sense of common security, and share many of the same economic and political interests. This has been clearly shown by the wide-ranging Australian-New Zealand Agreement of 1944, the landmark New Zealand-Australia Closer Economic Relations Trade Agreement (CER) of 1983, and collaboration between the two countries in a major naval shipbuilding project launched in 1989.

CER represents the bilateral interdependence of New Zealand and Australia. But it is not an inward-looking relationship. In a joint statement made by the Prime Ministers of New Zealand and Australia in 1988, the point was made that

> "the new chapter we have opened in our bilateral economic and trade relationship will strengthen our ability to participate in the dynamic growth of the world economy and particularly in the Asia-Pacific region, of which we are part".

In view of the realities of global interdependence, New Zealand and Australia not only have bilateral interests: they are also part of the South Pacific region, the greater Asia-Pacific region, and the international community as a whole.

South Pacific regional relations

Like every region, the South Pacific defies simple definition. It is vast, extending from Guam in the north to New Zealand in the south, from Palau in the west to French Polynesia in the east. The countries which make up the region are almost all micro-States, separated by large distances and possessing a great many different languages and cultures and histories. Populations can be as small as 2,000, as in the case of Niue, and most of the countries in the region have small economies and compete with each other for markets. They are heavily dependent on regional and global connections.

In order to advance both their national and their common interests, the countries of the South Pacific participate in a range of formal and informal dialogues. As a result, a South Pacific community has emerged, of which Australia and New Zealand are a part.

There are two main reasons for this sense of South Pacific community. The first is that the countries of the region have a demonstrated commitment to consensus decision-making. The second is that a number of regional organizations have been put in place, concerned with the social, political, economic and cultural concerns of the region.

Through the combination of these two factors the countries in the South Pacific are able to get to know each others' interests very well. It also means that Pacific leaders and policy makers have a range of opportunities to develop personal connections. An increase in regional cooperation has been the result.

The South Pacific Commission is the oldest regional association in the South Pacific. Founded in 1947, it includes 22 island countries, as well as France, the United Kingdom and the United States by virtue of the fact that they had (and still have) territories in the region. The Commission deals with technical issues, and provides assistance in the areas of community health, education, agricultural and fisheries research, and economic, demographic, statistical and information services. Countries which are not represented in the South Pacific Forum place particular value on the Commission.

In political terms, however, the most important association in the South Pacific is the South Pacific Forum, which comprises the leaders of Governments of the independent and self-governing countries of the South Pacific. As its name suggests, the Forum gives regional leaders an opportunity to meet, to discuss problems and to exchange points of view. This is encouraged by leaders' "retreats", which provide the heads of Forum Governments with an opportunity to spend time together away from their officials.

The Forum reflects the traditions of the region in its methods of operation. There is no international agreement governing its activities, and no formal rules relating to its purpose, membership or conduct of meetings. Decisions have always been reached by consensus, and it has never been found necessary or desirable to vote formally on issues. This is very much the South Pacific way.

But the Forum is more than simply an opportunity for formal and informal dialogue. The South Pacific Forum influences the region through a number of subsidiary bodies, and reflects the fact that peace and security require the international harmonization of economic and social interests as well as political interests. The existence of these bodies also reflects a practical hard-headed conclusion by South Pacific countries that it is in their interests to work together on such matters, not least because of their small size. Obviously this is not a factor common to the Asia-Pacific region as a whole.

There is a Forum secretariat, which acts for all Forum-related meetings, and is a means of channelling assistance and support to Forum island countries. Its purpose is to facilitate cooperation and consultation between Forum members on trade, economic development, transport, tourism and other related matters.

The Pacific Forum Line was established in 1977 as a regional venture between 10 South Pacific countries to improve vital shipping links within the region.

Another arrangement with an economic focus is the Forum Fisheries Agency (FFA). The Agency has played a major role in the implementation of the Convention on the Law of the Sea in nearly all South Pacific countries and in harmonizing the basis of foreign fishing access within the region. It was instrumental in negotiating the 1988 Pacific Tuna Treaty with the United States, and in developing the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific, which was signed in Wellington in 1989. The harmonization of international economic interests is an important element of common security, and by effectively managing a resource upon which so many South Pacific countries depend, the FFA is enhancing regional security and stability.

Forum island countries are also party to the South Pacific Regional Trade and Economic Co-operation Agreement, which allows those countries greater access to the New Zealand and Australian markets. The Agreement is intended to provide South Pacific countries with more dependable markets, and so encourage investment planning.

In addition to political and economic arrangements, the countries of the South Pacific have developed a range of other points of contact. For example, the South Pacific Nuclear Free Zone Treaty, also known as the Treaty of Rarotonga, affirms the stand that Forum countries have taken against nuclear testing, nuclear weapons and the dumping of radioactive waste at sea. This Treaty will be considered in more detail elsewhere in this Conference, but it is safe to say that the commitment of South Pacific countries to environmental management and a nuclear-free zone is an important dimension of common peace and security in the region.

A further key social and cultural point of contact is the University of the South Pacific (USP). A training and development institution, the USP provides an academic centre relevant to the South Pacific.

However, the latter half of the twentieth century may well be notable not only for its sense of economic and political interdependence, but for the environmental awareness which has emerged. Environmental interdependence is the newest element in the concept of global common security.

The South Pacific Regional Environment Programme (SPREP) is an attempt to develop a regional approach to environmental issues, and its achievements so far include an action plan for managing the natural resources and environment of the South Pacific, and the Convention for the Protection of Natural Resources and Environment of the South Pacific Region. The ongoing work of SPREP includes work in the areas of climate change, education, and environmental management.

Because of the bilateral and regional relationships which are to be found in the South Pacific the countries of the region have access to numerous formal and informal points of contact. These points of contact encourage the development of dialogue and trust, and thus form the heart of the South Pacific community which exists. In turn, this sense of community helps countries to harmonize their interests, and so makes a vital contribution to South Pacific peace and security, although recent years have shown that the South Pacific, too, can be volatile.

The nations of the South Pacific must look not only to each other: common interests and shared points of contact also bind them to their neighbours in the Asia-Pacific region and beyond. Indeed, the relatively small size of South Pacific countries and their economies makes them particularly aware of developments in the much larger countries to their north. While developments in the South Pacific may not significantly impact on the broader Asia-Pacific region, the converse is not necessarily true. This needs to be borne in mind when processes are being developed to deal with issues in the broader region.

Greater regional and global "points of contact"

Both the SPC and the Post-Forum Dialogue, for example, draw into the region nations from outside.

New Zealand and Australia and the other Pacific Island countries have contact with the United States, the United Kingdom and France via the South Pacific Commission, which ensures that technical matters which are relevant to the region have a wider airing.

The South Pacific Forum holds an annual Post-Forum Dialogue with representatives of the United States, the United Kingdom, France, Japan and Canada, ensuring that those countries which have a legitimate interest, and play a constructive role, in the region have an opportunity to express their views.

There are also a range of relationships which encourage the countries of the South Pacific to look outward. For example, Canada, Australia, New Zealand, the United States, Japan and the European Community are all ASEAN dialogue partners, and in a series of open and closed meetings, the six ASEAN members plus the six dialogue partners discuss a wide range of economic and political issues. In the past these have included Cambodia, Indo-Chinese refugees, East-West relations, the Middle East, South Africa, and the economic activity of the seven industrialized nations.

There have also been attempts to establish an intergovernmental mechanism for economic cooperation in the wider Pacific region, notably the Asia Pacific Economic Co-operation process begun at a ministerial meeting at Canberra in 1989. This is complemented by the work of the Pacific Economic Co-operation Conference, an intraregional body which draws on governmental, academic and private sector experience and tries to encourage greater economic integration.

As well as comprehensive regional arrangements such as these, there are also a number of international points of contact, which allow the interests of the entire international community to be discussed and even harmonized.

For example, the United Nations and its various specialized agencies provide numerous opportunities for countries to act together on questions of common interest. Seven of the 15 members of the South Pacific Forum belong to the United Nations. Known informally as the SOPAC group, the respective missions in New York confer and act collectively on issues which affect the region.

Another global point of contact is the Commonwealth. With 70 full and associate members – a third of which come from Asia and the Pacific – the Commonwealth can be a useful forum in which to discuss various national, regional and global interests.

Mention should also be made of the General Agreement on Tariffs and Trade (GATT), and the interconnectedness of the international market-place.

New Zealand is particularly involved in the work of the Cairns Group, a powerful lobby group of agricultural exporting countries which want to liberalize agricultural trade. The Cairns Group comprises Argentina, Australia, Brazil, Canada, Chile, Colombia, Fiji, Hungary, Indonesia, Malaysia, New Zealand, the Philippines, Thailand and Uruguay, and is a good example of global interdependence and of the fact that to be effective, multilateral arrangements need to be based on a sense of common interest between parties.

Apart from these formal governmental points of contact, there are also a range of other, less formal, ways in which the global connections can be made. The East-West Centre in Hawaii devotes a useful part of its research activities and student programmes to the Pacific Island region. The United Nations Regional Centre for Peace and Development in Asia and the Pacific is a regional forum for the exchange of ideas between a variety of people. This Bandung meeting itself is fostering a range of intellectual and personal contacts.

These forums, and others like them, encourage participation from both inside and outside Governments, and reflect the fact that the international dialogue and the exchange of information and ideas are becoming increasingly public.

Fostering peace and security in the international community

Contact between nations encourages dialogue and confidence, allowing opportunities for the harmonization of their interests, and thereby fostering peace and security.

While post-war technology has made the world a potentially more dangerous place, it has also created many more possible points of contact, and there has been a proliferation of bilateral, regional and international meeting places – both formal and informal – designed to promote dialogue, confidence and trust between States. In the greater Asia-Pacific region (which includes the South Pacific region) there are many such points of contact.

New Zealand, like many Asia-Pacific countries, is keen to see this regional dialogue continue and intensify. It also has an interest in being involved in this dialogue. The question is, What forum is best for this?

The development of a formal region-wide forum for Asia and the Pacific has been periodically suggested ever since the end of the Second World War. In 1949, the negotiation of the North Atlantic Treaty prompted people to look more closely at the characteristics of the region. Both New Zealand and Australia began expressing hopes for a regional association in the Pacific, and in July 1949 the Philippines and the Republic of Korea began organizing a conference to discuss a regional security arrangement.

However, the points of contact eventually set up fell quite short of what had been envisaged. The Colombo Plan was constructed, and a conference was held in Baguio late in 1950, but no association covering the greater Asia-Pacific region was formed.

Both Dean Acheson, the American Secretary of State, and Pandit Nehru, the Indian Prime Minister, made the point in 1949 that the countries of Asia and the Pacific were too heterogeneous for a Pacific regional arrangement to succeed. They had none of the political and cultural sameness that made the North Atlantic pact possible. Nehru also made the point that, at that time, there were too many tensions in the Asia-Pacific region which needed to be resolved before a comprehensive regional arrangement could be created.

Even today a number of questions need to be addressed before a broad regional arrangement could be contemplated. When he opened the Asia-Africa Conference in Bandung in 1955 President Sukarno said, "To speak is easy. To act is hard. To understand is hardest. Once one understands, action is easy." International relationships require a sense of common interest and mutual understanding.

It is, of course, to the future that we must now look rather than to the past. Many of the changes over the past 30 or 40 years have been more dramatic in Asia than elsewhere. Who would have foreseen the economic powerhouse that much of the North Asia-Pacific region is becoming today?

But even now, in this new Asia-Pacific region, great diversities remain. To some extent one might ask whether such a region exists at all, except by virtue of geography. The South Pacific, South-East Asia, North Asia, the Indian subcontinent, North and South America, China and the Soviet Union—all of the countries which straddle the Pacific rim—are to some degree connected. But is this enough to constitute a region? Fostering common interest and mutual understanding amongst countries this diverse poses challenges much more formidable than in subregions such as the South Pacific or in Europe.

And once a region has been defined by the States within it, a vast range of national differences still remain to be reconciled: differences between national traditions; between countries which are rich and countries which are poor; between countries which are strong and countries which are weak; between countries which are large and countries which are small. And differences in security perceptions, and in the way individual security will be affected by any emerging broad regional forum or arrangement. While a function of such a forum or arrangement will be to reconcile some of these differences, others may need to be reconciled *before* the forum or arrangement can itself emerge.

There are also a range of more practical questions to be addressed. How would such a forum or arrangement be developed? And if it did develop, how would it relate to similar bodies in other regions? How would it relate to the United Nations and other international organizations? How would it relate to other associations within the same region?

There are no easy answers to any of these questions, but historically, points of contact succeed only where political will exists. They are born out of a sense of common interest which binds States together, and cannot be imposed.

Conclusion

The experience of the South Pacific and of Asia suggests that peace and security require the international harmonization of national interests. They depend on the extent to which States identify with one another and are able to pursue mutual benefit and common interest.

What is ultimately required is community of interest between States, mutual understanding and good will, and a desire to go further. This in turn depends on an environment – and not least a security environment – in which all States feel, with confidence, that they *can* go further. Modest dialogue, and the development of mutual confidence, are significant first steps in this process. Our present discussions have an important role to play.

United States Approaches to Peace and Security in the Asia-Pacific Region

Amos Jordan

I am honoured to address this important gathering. I speak as a private American citizen, not as a representative of the United States Government, although I trust that much of what I say here today would be endorsed by an American official representative were he or she in my place.

The world-shaking events of the last two years have been so dramatic that, to quote a European statesman, "Events have moved so rapidly that we have not had time to be adequately surprised." I need not repeat in any systematic way these extraordinary developments that have touched every quarter of the globe, for you are familiar with them. Suffice it to say that not since the conjunction of the French Revolution and the Industrial Revolution two centuries ago has there been such a fundamental transformation of the international system as is now under way. Although most of the developments of the last two years have been positive ones, the changes have been so deep and far-reaching that they open perils as well as promises for all nations.

What are the current and likely United States policy responses in the Pacific rim region to these momentous changes? Despite all the recent turbulence, it is important to realize that there are strong threads of continuity in American policy that will reach far into the future. *First,* and perhaps most important, America's overall international interests and much of its strategy have long been and continue to remain consistent. Its strong interests in the Asia-Pacific region are a central part of that continuity.

Our continuing worldwide interests and strategy have most recently been spelt out by President Bush in a document entitled "National Security Strategy of the United States". Although dated "March 1990", the sections of the document on America's interests and objectives are virtually the same as those in similar documents published over the past 40 years. They include the "survival of the United States as

Amos Jordan is President of the Pacific Forum/CSIS.

a free and independent nation, with its fundamental values intact and its institutions and people secure ..."; "a healthy and growing United States economy to ensure opportunity for individual prosperity and a resource base for national endeavours at home and abroad ..."; "a stable and secure world, fostering political freedom, human rights, and democratic institutions ..."; and "healthy, co-operative and politically vigorous relations with allies and friendly nations".

A *second* major thread from the more recent past that will continue into the future is the certainty that with increasing international economic interdependence and with the growth of nuclear arsenals around the world, the entire globe has become one strategic theatre. As the only remaining global super-Power, the United States cannot evade the fact that events in the Middle East, Europe and the Asia-Pacific region, for instance, are inescapably linked. *American nuclear, naval and economic strengths are omniregional.* Arms control proposals for the Asia-Pacific region resonate in Europe, and vice versa – as our experience with the INF Treaty indicates.

A *third* major thread from the past is the fact that, despite a relative decline in its power, it is widely believed in American and allied policy circles that only the United States continues to have the combined military, political and economic strength to play a balancing and reinsurance role in the Asia-Pacific region – as well as in certain other crucial areas such as the Middle East. While this observation does not imply a regional policeman's role for the United States, it does suggest that in the absence of vigorous American participation in the region, a number of destabilizing developments may well occur.

A *fourth* thread from the past that deserves particular attention in an assemblage such as this, where Asian leaders predominate, is that American eyes instinctively turn east, rather than west, in international affairs. You may recall that President Franklin D. Roosevelt made a fundamental decision, shortly after the United States became engaged in the Second World War, that first priority in the American war effort should be given to the European theatre and second priority to the Pacific. This decision was made despite the fact that our entry into the War was in the Pacific. In the subsequent half century, Europe has continued to dominate American thinking. Nearly one half of our defence budget has gone to underwriting European security through the deployment of large United States forces there and the maintenance of reinforcements at home to back up that commitment. By contrast, only about one sixth of the defence budget has been attributable to our Asia-Pacific security commitments.

Surely, some will say, the focus should change, for the threat of a Warsaw Pact or unilateral Soviet attack in Europe has become virtually zero – and it is true that American preoccupation with Europe will probably decline as the threat there further weakens or disappears – but the stakes in Europe remain high and there will be important American defence commitments there, to and through a refashioned NATO, for many years. Guarding against a reversion to authoritarianism and bellicosity in the Soviet Union or massive instability in Eastern Europe, plus helping to meet the challenge of incorporating a unified Germany into Europe, will continue to call for substantial American force commitments and spending.

Perpetuation of this American tendency to relegate the Asia-Pacific region to second place strategically arises from genuine concerns, then, as well as from inertia and cultural affinities. And that prioritization may well be reinforced by pending developments in the Persian Gulf, where dangers of conflict will persist past the current crisis and where our European allies are being far more helpful than our friends and allies from the Asia-Pacific.

Let me now turn to American strategy in the Asia-Pacific region. By the term "strategy", I mean simply "the ways a nation conceives, develops and applies its overall resources to accomplish its objectives". In April of 1990, Secretary of Defense Dick Cheney sent a special report to the Congress entitled "A Strategic Framework for the Asian Pacific Rim" that set forth the Administration's strategy and policies for achieving in this region the goals and objectives set forth in the President's National Security Strategy document. I will quote liberally from it as the most recent and authoritative statement by the United States Government on the matters with which I am dealing, particularly on military strategy.

In his report to the Congress he observed:

> "Our national security objectives [have] centred on defending American territory as far forward as possible, containing the Soviet Union and protecting strategic allies. Our military strategy to accomplish these objectives, dictated largely by time-distance factors, has been to forward deploy forces to permanent base[s] ... primarily in Japan, Korea and the

> Philippines. We have complemented our presence through the development of strategic security relationships. Recognizing the disparate cultures, political systems, and levels of economic development among our friends in the region, we chose to develop a network of mostly bilateral security relationships rather than a large collective arrangement such as NATO. ..."

The Cheney report to the Congress then went on to say:

> "The principal elements of our Asian strategy – forward deployed forces, overseas bases, and bilateral security arrangements – will remain valid ... what has previously been a traditional aspect of our military presence in the region – the role of regional balancer or honest broker, and ultimate security guarantor – will assume greater relative importance ... ."

The Cheney report gave only limited attention to the subject of arms control and confidence-building measures. It began that topic by stating:

> "A reduction of tensions in the Asia-Pacific region is clearly in the United States interest, and we support any steps that could lead to a more stable environment. The reality, however, is that arms control and confidence-building measures we have instituted in Europe are not always applicable to the Asian scene. ..."

It continues:

> "We remain strongly opposed to naval arms control discussions. Specifically, naval arms control in Asia is inadvisable. The United States is, has been, and always will be a maritime Power. Our national lifeline is wholly dependent upon the freedom of the seas and our ability to access our overseas markets. ... The United States must be able to protect those sea lines of communication without encumbrance. We must retain our flexibility to move our forces at a moment's notice and operate without restriction on the open seas and international waterways."

The report goes on to observe that Soviet proposals for arms control in Asia are inherently imbalanced, for there is

> "no way to adequately redress the asymmetries between the land-based Soviet forces, with substantial long-range air assets, and the sea-based strengths the United States possesses in North-East Asia. The Soviet proposals also ignore another very important fact of United States presence in the region - namely, that it is not solely Soviet-oriented ..." but "is geared as much to maintaining regional stability outside the Soviet context as it is a

> counter to Soviet adventurism. ... The United States forces in Asia most likely to respond to a regional contingency are in fact the naval forces. Restrictions on our navy impair our capability to meet treaty obligations and protect other interests."

The report does add a significant caveat to this anti-arms-control emphasis, namely, that "the one Asia-Pacific location where 'transparency-style' confidence-building measures and arms control might be adopted is the Korean peninsula, where the European ground context is applicable".

In his 1990 "Pacific strategy briefing", the Commander-in-Chief of the United States Pacific Command, who controls all the American forces in the region, added some useful details about military programmes that implement our national security strategy in the Asia-Pacific area. He observed that the United States military programmes are designed to strengthen the network of bilateral relationships in the Pacific which, along with the United States forward deployed forces, "deters conflict and supports regional stability". Among these programmes are military sales (and in the case of the Philippines, military grants); training assistance, personnel exchanges; bilateral exercises ranging from the large joint exercise in Korea called "Team Spirit" to small, one-on-one engineering exercises – a total of 102 such exercises in the region in FY 1990; and port visits by United States navy ships that routinely call on over 20 countries in the Pacific each year – over 1,500 such visits in FY 1990.

Both the Secretary of Defense's report to the Congress on Asia-Pacific strategy and the Commander-in-Chief's briefing point out that American national security strategy and military programmes to implement that strategy are strongly conditioned by the changing nature of the threats in the region, by the rise of nationalism that creates a climate less hospitable to American presence, by the availability of Philippines bases and by the problems of allied burden sharing. Burden sharing, or "responsibility sharing" as it is sometimes termed, will be an increasingly important factor in shaping future United States military strategy and programmes, for a growing number of American leaders and citizens are less and less willing to carry what they believe is an unduly large part of the weight of regional security.

I should note at this point that Americans distinguish between national security strategy and military strategy. Military strategy is much the narrower concept of the two. As we use the terms, "national security strategy" seeks broad foreign policy objectives as well as defence policy objectives and entails applying not merely military means but all the instruments of national power useful to the pursuit of national objectives. Most notably, this broader concept of strategy involves economic, diplomatic, informational and cultural as well as military instruments.

The economic instrument of national strategy is clearly of increasing significance – in the Pacific rim and elsewhere. Indeed, a senior official of the American Government recently stated:

> "We now face a future in which technological and commercial capabilities more than military strength are the significant determinants of State power and influence. National security is ever more reckoned in terms of economic and environmental concerns."

American economic strength continues to be a major element in the equation of power in the Pacific, as well as worldwide. Yet American economic strength is declining in the region *in relative terms,* as economic growth rates elsewhere in the region outpace those of the United States. Japan's rapid rise to the rank of economic super-Power, the astonishingly high growth rates of the "four tigers" – South Korea, Taiwan, Hong Kong, and Singapore – and rapid growth in all the ASEAN countries except the Philippines have together made the Pacific rim an economic power house – far outstripping growth rates in Europe as well as in the United States.

Despite its economic problems, the great size and openness of America's market, the availability of American technology and investment and the competitiveness of the American service sector and some manufacturing sectors continue to give the United States great economic weight in the region. It is America's aim to use that economic strength as a "resource base for national endeavours at home and abroad ...". Unilaterally, the United States policy is to improve its competitiveness and ability to export and invest in the region so as to maximize its economic benefits and political influence there. Multilaterally, the United States has placed itself squarely behind the move towards institutionalizing regional economic cooperation through a new entity, Asia-Pacific Economic Co-operation (APEC). The United States, as Secretary James Baker has expressed it, "believes that the time is right for APEC; the United States is committed to seeing the institution succeed".

It is not clear just how the new entity, APEC, will evolve; it is still a road to be travelled, one that is being built as it is travelled. Since the Asia-Pacific region accounts for about 44 per cent of total output and more than one third of world trade, as well as constituting the most rapidly growing part of the globe, the case for regional cooperation is compelling. At the present, APEC members are committed only to consultation and co-operation, but it seems likely that coordination of national economic policies will also become a part of the organization's charter.

The goal of APEC is *not,* however, to build a regional trading block, let alone create the equivalent of the European Community; rather, the aim is to build a cooperative regional system as a building block of an open, liberal international trade and investment regime. All the 12 APEC nations have agreed on this "building-block, not stumbling-block" doctrine, and in 1989 and 1990 have given priority to achieving success in the Uruguay Round of the GATT negotiations.

Clearly, then, there is at present a contrast between the United States military and economic strategies for achieving its national security objectives. In the military sphere, the United States focuses on maintaining the bilateral approach that has been so successful in past decades. On the other hand, in the sphere of economic development, trade and investment, the United States is stressing and will continue to stress multilateralism, both through GATT and other worldwide economic arrangements and through the new regional institution, APEC.

Why not multilateralism in security as well as in economic affairs? Various nations in the region, Australia, Canada, the Soviet Union and Mongolia – for instance – have proposed exploring the idea of a conference on security and cooperation in Asia (CSCA) akin to the Conference on Security and Co-operation in Europe (CSCE). The latter institution, sometimes called the "Helsinki Process", has played a very useful role in the evolution of a more secure Europe. Why not, it is logical to ask, try the same approach in Asia?

The American official response, as set forth by Assistant Secretary of State Richard Solomon last October, has been clear:

> "We remain doubtful about the utility of an all-Pacific security grouping. The sources of tension that remain in the region – indeed, the nature of the

> security challenges we anticipate in the years ahead – do not easily lend themselves to region-wide solutions. ... It is difficult to see how a Helsinki-type institution would be an appropriate forum for enhancing security or promoting conflict-resolution. ... It is preferable to adapt existing, proven mechanisms to meet the challenges of changing circumstances before creating new ones. To the extent that a broader collective framework can help resolve regional security problems, the United Nations is proving to have new capability to play such a role."

It is plain from Secretary Solomon's recent words, as well as from the Defense Department's "Strategic Framework for the Asian-Pacific Rim" and from the command briefing of the Commander-in-Chief of the United States Pacific Command, that multilateralism in defence matters currently has no official supporters within the United States Government. Just because multilateralism in security matters, as well as in economic affairs, has seemed to be the way in Europe, they say, is no reason to conclude that it ought to be the way in the Asia-Pacific region. As they and many others have repeatedly observed, Europe and Asia Pacific are very different regions. In particular, there have been and will continue to be wide differences within the Asia-Pacific region about the nature and source of likely security threats – whereas in Europe, until very recently, there was widespread agreement that the Soviet Union was the overwhelming threat.

Of course, there is an alternative in the Asia-Pacific region to organizing security on a region-wide basis or on a unilateral/bilateral approach, namely, to organize it by subregions. There are three logical subregions: North-East Asia, South-East Asia, and the South Pacific, including Australia and New Zealand. Although there are elements of commonality in the concerns of these three areas in large part each has distinctive security interests and threat perceptions that provide more than purely geographical coherence.

Because of its global nuclear and naval power, the Soviet Union continues to be a security concern to the entire region, although a diminished one, as a consequence of Gorbachev's "new thinking" and the country's internal troubles. Because of its large air power and ground force contingents in North-East Asia, as well as its nuclear and naval strength, the Soviet Union poses a much larger threat in North-East Asia than in the other two subregions. The Soviet Union's alliance and military supply relationships with North Korea add a further dimension to its threat to stability in the north-east. (The Soviet alliance with

Viet Nam is less worrisome, since the withdrawal of most Soviet forces from Cam Ranh Bay and the attendant diminution of Soviet assistance to and political alignment with Viet Nam.)

It is in North-East Asia, specifically on the Korean peninsula, that – despite some recent lessening of tension – the primary danger of large-scale regional conflict exists, and it is in this subregion that six of the ten largest armed forces in the world are arrayed, namely, those of the United States, the USSR, China, Japan and the two Koreas. It is here, too, that there is imminent danger of destabilizing nuclear proliferation, for Pyongyang is apparently pressing the development of such weapons. It is in this region, too, that alliance structures could generate escalation from a local clash to a great-Power conflict, that is, in Korea. And it is in this subregion, also, that one of the most rancid, unresolved territorial disputes endures, namely, the Soviet Union's occupation of Japan's northern territory. Clearly, if some arrangement among the six States of this dangerous subregion could be devised to lessen tensions, build mutual confidence, ameliorate disputes and negotiate arms reductions it would be of high value.

In South-East Asia, the unresolved and tragic civil war in Cambodia continues to threaten regional stability. Although the United Nations effort to resolve the crisis appears stalled for the moment, there is room for hope that it may yet succeed and, in any case, that the conflict will not spread. Regardless of the short-term outcome of the conflict, there is concern in the area that Viet Nam has not abandoned its long-standing hegemonic designs on either Cambodia or Laos. Achieving a political settlement in Cambodia and integrating Viet Nam and its independent Cambodian and Laotian neighbours into South-East Asia, economically and politically, are therefore the principal near-term security challenges in the South-East Asian subregion.

Other short- or medium-term security dangers in the area, for instance those of possible civil war in the Philippines or clashing national claims to the Spratly Islands, seem unlikely to boil over into broader conflicts. The disappearance of law and order in the Philippines does, however, have a potential subregional and regional impact through closure of the American bases there – if negotiations have not already had that affect. Loss of the bases will reduce American flexibility but will not result in American withdrawal from the area.

Over the longer term, there is, in the view of some South-East Asian strategic thinkers, a potential threat to the area from China and India. Although China is now absorbed with its internal problems, it is giving greater priority to its military and there is worry that its very demographic weight will cause it to push down into the region. Although India is South Asian, not South-East Asian, the rapid growth of its navy and its growing force projection capability, as well as its recent policies towards Pakistan, Nepal and Sri Lanka, give rise to fears that it might seek a hegemonic role in the subregion in the future. Finally, there is also concern in South-East Asia that Japan's growing economic predominance there will lead to its political and economic interference and, perhaps, even military pressure, should Japan again become rearmed and expansionist.

In the South Pacific, including Australia and New Zealand, the national security concerns are largely economic, nuclear and naval issues. The 13 independent island States (totalling less than 6 million inhabitants) that make up the South Pacific Forum (with Australia and New Zealand as "invited metropolitans") have traditionally had few security concerns, arrangements or forces. Without any formal defence relations among themselves or outsiders and with minuscule armed forces (totalling less than 10,000 men), they have depended on the naval power of friendly States and a benign regional environment to provide external security.

The principal national security interests of the smaller South Pacific States have been and continue to be in meeting the economic demands of their rapidly growing populations in the face of very limited resources and overly rapid urbanization. Papua New Guinea, by far the most populous and largest of the group, has a special external security problem arising out of anti-Indonesian guerrillas operating along its common border with Irian Jaya, Indonesia's easternmost province. Apart from that case, internal security issues are the concern elsewhere, largely arising from the slow pace or absence of economic development.

Australia's and New Zealand's perspectives are quite naturally different. Their principal concern has been to deny the lodgement of any potentially hostile State in the region that could interrupt the vital sea and air passages into the region or use the island States as staging grounds for a military assault against them. To guard against these possibilities and to secure a strategic umbrella they contracted the

ANZUS alliance with the United States early in the period after the Second World War. They have also attempted to strengthen the other subregional States through political cooperation and economic and military assistance, as appropriate.

With the disruption of ANZUS as a result of New Zealand's strict anti-nuclear policies, Australian-American bilateral cooperation has intensified and is increasingly seen, by Americans at least, as the key to stability in the subregion, in so far as external dangers are concerned. Unilateral and joint efforts by the two States will also be needed to strengthen the prospects for the smaller island States' economic and political stability.

Does trying to build some kind of multilateral security arrangement to meet the problems facing each of the subregions that I have hastily reviewed make sense, or should the bilateralism that has long undergirded Asian Pacific stability be maintained, with multilateralism confined to United Nations activities? In the South Pacific region, there is already the informal cooperative arrangement of the South Pacific Forum that can be built upon by increasing political, military and economic cooperation – with Australia and New Zealand supporting that strengthening. Revival of ANZUS would also be desirable in this context, though its near-term prospects seem less than promising. Further multilateralism would seem to be superfluous.

In the South-East Asian subregion, ASEAN is already an important organization with political and economic cooperation at the centre of its agenda. Although two of ASEAN's six members, Thailand and the Philippines, have bilateral defence ties to the United States, there is very little prospect that others will follow suit, nor that ASEAN as an entity will seek defence arrangements with the United States or any extraregional Power. Indeed, there appears to be scant interest among the organization's members in strengthening the currently very limited defence ties among themselves. Unless the stabilizing American military presence were to disappear from the area altogether (which the members hope it will not, though generally they are unwilling to say so) or unless a major new military threat emerges, no broader nor stronger defence arrangements in the subregion seem possible.

It is in North-East Asia that some American analysts think multilateral security arrangements could realistically be proposed. Such arrangements need not supplant existing bilateral military ties – they could, at least for a time, be supplements.

The most commonly discussed idea for defence multilateralism is an adaptation of CSCE. Presumably any version of a CSCA would incorporate the following features of CSCE: an informal negotiating process or arrangement, rather than a formal organization; an agenda that includes and links a variety of policy issues – political, economic, humanitarian and security – rather than focusing on a single policy realm; and a multi-staged, continuing process that could tolerate failure to conclude any particular round of negotiations, rather than a one-time, all-or-nothing effort.

I suspect that over the next few years the United States will move into serious discussions of a variety of multilateral approaches to peace and security in the Asia-Pacific region – not as alternatives but as supplements to bilateral arrangements. I believe the prospects for broader approaches are greater if they are at least initially confined to North-East Asia, though issues spilling over into South-East Asia or the South Pacific might well also be included in the agendas.

The principal brake on the United States participation in designing and implementing multilateral approaches is and will continue to be concern that it will be pressed in any such forum into unwise or premature regional arms control arrangements. (Scepticism among its allies, especially Japan, is also a factor.) Yet budgetary stringencies and the evolving regional political environment will likely make multilateral undertakings more attractive in the future than in the past. Of course, the United States can unilaterally adapt its defence posture and related political-military policies in the region to new realities – and it has already unilaterally begun a draw-down of its forward-deployed forces in the region by 15,000 by the end of 1992, down from 135,000.

It is doubtful that, over the long term, unilateralism or bilateralism will suffice to protect the full range of a State's "national security" interests in an increasingly global international system. But, for the foreseeable future, United States policy in the Asian-Pacific realm will be a mix of unilateral, bilateral and multilateral arrangements with three principal components: continuing unilateral forward deployments, strengthening of existing bilateral alliances, and the building of multilateral cooperation in trade, investment and economic development.

Asia-Pacific Security: The USSR Policy under Perestroika

Alexei V. Zagorsky

This paper does not present an official point of view. It is based primarily on a personal analytical approach to the Soviet security policy in the Asia-Pacific region in the period from 1985 to 1990.

From an analytical point of view the Soviet policy on these issues is consistent with the declared conceptual bases of the Soviet security policy in Europe and in Soviet-American relations, although, in practical terms, several important differences may be noted. As a conceptual approach, the notion of sufficient defence or reasonable sufficiency is officially proclaimed valid for the Soviet security policy in the Pacific region, meaning that stress is laid on maintaining the minimum level of defence required to ensure a nation's security without imposing a serious threat to the security of neighbouring nations.

The problem with the concept is that in fact it originated in the logic of the concept of non-offensive defence elaborated by European Social Democrats in the late 1970s to early 1980s as applicable to the European situation. The main stress was placed on the restructuring of the defence forces of both the NATO and the Warsaw Treaty blocs to prevent the possibility of offensive operations against each other, although in the Soviet doctrine the radicalism of the non-offensive defence concept has been softened. In any case, both the Soviet and the social-democratic approaches presume the need for bilateral disarmament and the restructuring of the military potential. This logic is pertinent to the geopolitical and strategic realities of the European continent and, to some extent, to the situation arising from the Soviet-American competition in strategic armaments, but when applied to the realities of the Asia-Pacific region any call for mutual measures is faced with the problem of much more uncertain regional military-political implication and greater regional contradictions. Thus, while preserving in theory the same notion of reasonable sufficiency, the Soviet Union

Alexei V. Zagorsky is Deputy Head of the Department for Japanese and Pacific Studies, Institute of World Economy and International Relations (IMEMO), in Moscow, USSR.

must in practice find fundamentally new solutions to local security problems. At the same time, while the Gorbachev administration seems to have had a definite pre-prepared decision in favour of the Western policy from the outset, it is just beginning to realize the scope and complexity of Asian-Pacific problems and is only beginning to formulate new ideas applicable to them.

Another reason for the differences in the Soviet practical approach to Asian and European security issues may be seen in the changing domestic situation in the USSR. The new Soviet policy in European security and USSR-United States strategic relations originated at the beginning of the perestroika period when no clear-cut opposition to the policy of the central authority was seen. On the other hand, Soviet initiatives on Asian-Pacific security follow the radical measures already taken in Europe and in Soviet-American relations. That means, first, that dissatisfaction within the highest army circles disappointed with the radicalism of previous decisions is becoming a more important factor in the domestic decision-making process, and secondly, that dissatisfaction on the part of the large conservative-oriented part of the population is affecting the situation. Both factors became quite visible in 1990 after the Soviet agreement to the participation of the unified Germany in NATO, changes of political regimes in most East and Central European nations, and the de facto crash of the Warsaw Treaty Organization. All of these changes are evaluated by conservative Soviet forces as a great defeat for the socialist idea and as a loss, on the part of the USSR, of the status of great Power stimulated by the new political thinking and new security policy. Taking into account a strong inclination on the part of the Gorbachev administration and of the Soviet President personally to find compromise solutions primarily with conservatives in the USSR, any further decisions seem inevitably to be shaped to suit at least a minimum of conservative demands. The recently announced retirement of Eduard Shevardnadze from the post of Foreign Minister further supports this logic.

Analysing the Soviet security policy for Asia-Pacific in this context we may find six separate areas of Soviet efforts and initiatives:

1. A generalist regional approach aimed at duplicating the European CSCE experience for the Asia-Pacific region, especially in the field of security and political cooperation;
2. The formulation of new ideas for solving regional conflicts;

3. The Soviet policy on the Korean peninsula designed to decrease tension;
4. Proposals for bilateral Soviet-American cooperation in the area of naval Pacific disarmament;
5. Initiatives for security cooperation addressed to Japan;
6. Efforts to eliminate tension on the Soviet-Chinese border.

These ideas are analysed in greater detail below.

An Asia-Pacific conference on security and cooperation

The idea of an all-Asia-Pacific conference to settle major security and political problems of the region is not a new one for the Soviet Asian policy. Traces of it may be seen in several proposals by the Brezhnev administration in the 1970s. The revival of the idea in Gorbachev's Vladivostok speech in 1986 demonstrates that the new Soviet administration after 1985 had no original plans for a Pacific policy.

The plan was never set forth in detail, and it seems that no details exist. It seems mainly to reflect an abstract wish to repeat a successful European experience on Asian soil while deviations from the European pattern are supposed to be discussed after the beginning of the process. Although the initial Asian fears about Soviet plans to encircle China and establish some kind of political hegemony over Asia may not be valid today, several doubts regarding the effects of this initiative still exist.

First, even the geographical limits of the Asia-Pacific region are unclear. From the context of the Gorbachev proposal it was rather evident that the USSR includes in that region nations east of Afghanistan to the American Pacific coast, excluding from it Latin America, but admitting United States and Canadian voices. The discussion on the question whether these limits are justified or not is quite senseless because by every definition the Asia-Pacific region does not seem to be an integrated area in any sense – political, economic or military. Any definition is more or less arbitrary, and the Soviet logic is a mere political calculation based on the hope of involving into the process more nations friendly to the USSR, such as Afghanistan and India, in order to get more secure support. But the real problem is that of defining a set of problems to be solved together by this limited number of nations.

This question may be assessed as a second obstacle to the whole Asia-Pacific cooperation and security process. By any definition the region seems to be too diverse and too disintegrated to form a common body for problem-settling. That assessment is most important in regard to security issues in situations where there is no distinct division between military alliances. Subregions in the Asia-Pacific area have their own security concerns, though these impinge on interfering with problems of other subregions inside and outside the region as a whole, but certainly these concerns do not coincide, and the multiplication of participants in settlements does not improve the chances for solutions in every case.

Thirdly, there are serious concerns about a probable Soviet role in the process. As opposed to the case in Europe, the USSR is represented in the Asia-Pacific region primarily in military form with very weak prospects for an effective economic contribution to regional affairs and with the Soviet political role declining in the event of the settlement of regional conflicts with direct or non-direct Soviet involvement. There is good reason to suppose that the Soviet idea of an Asian-Pacific conference on security and cooperation is strongly motivated by its search for a new political role here, and not so much by new ideas in the field of security to be discussed.

It should be noted that the Vladivostok proposal was directly supported by only two other Asia-Pacific nations, namely Mongolia and the Republic of Korea. A similar model, though in a much looser shape, is proposed in recent Australian and Canadian initiatives, though it is rather clear that conditions for a high-level meeting of Asia-Pacific nations are still not ripe. This is obviously the reason why the USSR replaced the idea of the meeting of heads of States and Government by an invitation to convene a meeting of foreign ministers at Vladivostok in 1993, as was indicated in the speech by Foreign Minister Eduard Shevardnadze at the September 1990 Vladivostok conference held by the Soviet National Committee for Asia-Pacific Economic Co-operation. But still the lack of detailed proposals for a new security system is the weakest point of the whole idea.

Solutions for regional conflicts

The area of regional conflicts may be considered to be the area in which there are the most Soviet innovations in the field of Asian security. The basic assumption of the Soviet doctrine in this regard comes from the experience of withdrawal from Afghanistan, the case considered by the USSR political leadership as a first showcase for new approaches to the Asia-Pacific situation.

The basic idea consists of three major parts:

1. Refusal on the part of the USSR to give direct or indirect military support to any party in domestic strifes within underdeveloped societies;
2. Support for the withdrawal of all foreign troops from countries in which there is serious domestic strife;
3. The idea of national reconciliation in these nations.

From the Soviet position these principles should first be applied to situations in Afghanistan and Cambodia, whereas the Gulf crisis is clearly a case of one nation's aggression against the other, and the Korean situation is a specific example of two legitimate States claiming the representation of the same nation.

It should be noted that not all formal principles are put fully into practice under Soviet policy. At least the first principle, when considered from the viewpoint of arms deliveries, is not observed in the Afghan case, though the present official USSR position indicates the possibility of cutting Soviet arms deliveries to the Najibulla regime on condition that a stop is put to arms deliveries from foreign sources to mujahidin forces.

The most critical point in regard to this concept is the idea of national reconciliation. From the beginning it was regarded by the Soviet leadership as a key point to reconsider the Soviet role in local conflicts and the withdrawal of Soviet troops from Afghanistan. The same criteria are applied to a Vietnamese role in Cambodia. It is natural that the idea is considered not as one of any local Asia-Pacific value, but rather as a worldwide approach on the part of the USSR to regional conflicts within underdeveloped nations. The problem is that in most cases the idea of national reconciliation has not proved effective. Still, there is no sign of nationwide reconciliation in Afghanistan irrespective of Soviet withdrawal, or in Ethiopia, and the conflict in Nicaragua was ended outside the framework of national reconciliation. The most promising experience for this idea may be seen in the Cambodian settlement and to some extent in the Angolan talks, but even in these cases there is still no certain evidence of lasting solutions.

This means that the key point of the new Soviet approach to the settlement of regional conflicts still lacks effectiveness. Most of the success attained to date may be attributed to the withdrawal of the USSR and its allies from direct participation in conflicts, though effective ways to settle the core of the problems have still to be found.

Decrease of tension on the Korean peninsula

A distinctly new Soviet approach to the situation in the Korean peninsula is evident only from the autumn of 1990, since the establishment of formal diplomatic relations between the USSR and the Republic of Korea. The new diplomatic situation rules out any chance for the former Soviet approach of unilateral support for all initiatives by the Democratic People's Republic of Korea (DPRK). An emerging new role for the USSR on the Korean peninsula puts the Soviet Union in the position of a natural mediator between two Korean States, as the USSR is now the only major Power in the area maintaining full contacts with both Pyongyang and Seoul.

In so far as the new Soviet approach can be judged by recent talks by Soviet officials in Tokyo, Seoul and Pyongyang, and by a Soviet reaction to North-South talks of prime ministers in 1990, the USSR is now trying to combine several elements from both North and South positions. A South-born idea of recognition of the real existence of two Korean States and their equal treatment and even of the admission of the two Koreas to membership of the United Nations is now shared in Moscow. It may be said that Soviet support for the recognition of both Koreas by four nations (United States, USSR, China and Japan) and for multidirectional inter-Korean contacts is stimulated by Seoul's policy.

On the other hand, where issues of a purely security nature, such as detailed schemes of arms reduction on the peninsula, confidence-building measures, decrease of tension and so on are concerned, the Soviet position tends to support Pyongyang initiatives. The only exception is the lack of clear views on the American military presence in the South.

The situation is explained to a large extent by the adoption by the USSR of the principle of Korean unification through Korean efforts without interference on the part of foreign nations, declared by both Korean States in 1972 and still officially advocated by both Governments. But though the Soviet role under these conditions is becoming much more positive, still it lacks its own inner drive.

USSR-United States cooperation for Pacific naval disarmament

Naval disarmament in the Pacific is regarded as the most important Asia-Pacific security issue from the point of view of Soviet interests. The reason lies not so much in the perception of threats to the USSR territory as in consideration of the fact that for both the USSR and the United States a naval presence constitutes the greatest part of their military potential in that region, making bilateral steps in this regard a natural approach to a new defence doctrine in terms of reasonable sufficiency. Moreover, American naval exercises near Kamchatka peninsula and the Kurile islands have on various occasions led to intrusion by United States naval aviation into the USSR air territory, alerting the local defence system.

Soviet initiatives in that field were formulated mainly in two statements by Mr. Gorbachev at Vladivostok (1986) and Krasnoyarsk (1988). The first initiatives were mostly within the framework of confidence-building measures and the extension of the ABM Treaty approach to anti-submarine defence. Thus ideas were formulated with regard to limitations on naval activity in the Pacific, primarily the activity of nuclear vessels; restriction of zones for naval exercises and their location at a reasonable distance from coast shore lines; limitations on anti-submarine activities and elimination of anti-submarine systems from certain areas. These proposals, which were not supported by the United States, were transformed in the Krasnoyarsk speech into the initiative not to increase the naval presence of both Powers in the Pacific and the Indian Oceans.

Another area of Soviet initiatives in this field is determined by Western concern over sea and air trade lanes. The Vladivostok initiative provided for a regional conference on security of sea and air lanes and prevention of international terrorism. Krasnoyarsk initiatives were much milder, calling for elaboration of measures to prevent sea and air incidents. Neither of them has won sufficient international support.

It seems that the main reason why the USSR initiatives were rejected was the traditional American unwillingness to establish any kind of structure for naval disarmament or naval arms control. Whether or not we agree with such a position, it should be taken into account when new ideas are presented, for without American participation with good will, any idea of naval disarmament is meaningless.

The development of the Soviet approach after 1988 has led to attempts to gain American understanding without proposing detailed schemes, especially schemes that are considered as unilaterally meeting only Soviet demands. A first area may be seen in Soviet attempts to include naval armaments in the START negotiations, though in the end a compromise seems to have been reached in the exclusion of naval armaments from START 1 subjects. For the USSR it means that naval issues are likely to become an important item at the next stage of negotiations on START 2.

An additional area may be seen in the Soviet attempt to gain American agreement, at least in principle, to cooperate on naval issues without predicting any particular details. In the autumn of 1990 verbal consent was given by the United States Secretary of State Baker to hold talks of that kind in 1993, though defence circles in the United States had many doubts about the validity of that promise.

Security issues in Soviet-Japanese relations

In the absence of fruitful results in Soviet-American contacts over naval arms control in the Pacific, Soviet diplomacy in 1990 has attempted to establish some kind of system of confidence-building measures in bilateral relations with Japan. The move itself may not be considered a new one in Soviet policy, as similar proposals were made even in the Brezhnev era. The only difference is that in 1990 Soviet initiatives were discussed extensively in Japan.

New proposals were expressed by Eduard Shevardnadze during his visit to Tokyo in September 1990 as a part of the Soviet plan to develop Soviet-Japanese relations in various areas. A proposed agenda on military cooperation includes:

- Mutual exchange of military doctrines by both nations;
- Notifications on the closing of certain sea areas for periods of training in shooting;
- The invitation of observers to military exercises;

- The establishment of direct contacts between the Soviet Defence Ministry and the Japanese Agency for National Security;
- Exchange visits by military delegations and military ships;
- The preparation of Soviet-Japanese agreement on preventing maritime accidents;
- Mutual expansion of access by military attachés to military educational institutions, military units and other objects.

To a great extent they repeat the substance of the proposal addressed to the United States earlier but their meaning seems to be quite different. Objectively speaking, even limited Soviet-Japanese military cooperation might suit Soviet interests and meet the present demands of the Soviet strategic approach to Pacific naval disarmament. In practice the USSR has nothing to receive from Japan direct. The only issue that may arise is the problem of the guarantees for free passage by Soviet vessels through Korean (Tsushima), Laperouse (Soya) and Tsugaru straits though their direct military importance has been decreasing lately. On the other hand, measures to allay Japanese security worries may imply major cuts in the Soviet naval and air forces in the Far East, aimed not so much at Japanese objects as at American ones. Thus meeting Japanese demands here will mean unilateral Soviet reductions irrespective of American policy in the region, contradicting earlier reasons for the deployment of naval forces without serious visible gains for the Soviet Union.

That remark does not mean that there is no space for unilateral Soviet measures in the field of disarmament in the Asia-Pacific region. Substantial cuts in the Soviet military presence outside the Japanese and Okhotsk seas and sea areas near the Soviet coastline may be valuable from the point of view of budget cuts and of improving the Asia-Pacific international atmosphere but such steps do much to contain the scope of bilateral Soviet-Japanese relations and if put into practice are hardly to be influenced by Japanese demands.

In the existing situation, the chances for valuable Soviet-Japanese coordination in strategic issues fall mainly into two categories. The first is the attempt to induce the United States to take part in the multiparty system of talks aimed at reducing confrontation in the North-West Pacific. Of course, an arrangement by which Japan will make additional efforts to induce the United States to engage in that kind of cooperation may be suggested. Moreover, these possibilities seem to shape the character of Soviet offers to Japan, but would be of very limited help.

The other possibility is confined by limited bilateral measures in the form of confidence building, such as the exchange of invitations to advisers to attend military exercises, notification of major exercises, and mutual access to military sites. To some extent such measures can serve to allay mutual worries and should not be rejected. But the problem they pose in the Soviet-Japanese context as opposed to European confidence-building measures lies in the fact that their significance for the general situation in the region may be of limited value as they do not encompass major military threats to the area as a whole.

The Soviet-Chinese border

Soviet policy towards the situation on the Chinese border has now developed to the stage of practical decisions within the framework of the notion of reasonable defence sufficiency though in some aspects new problems await their solutions.

The process has begun as an exchange of unilateral steps to limit the military presence on the border. In 1988-1989 the Chinese side withdrew 100,000 troops, with USSR Foreign Minister Shevardnadze declaring in February 1989 at Beijing the Soviet intention to cut 250,000 troops, including 120,000 along the border with Manchuria and 50,000 located in Mongolia. A next step in the process may be seen in the signing of the agreement between the two Governments on guiding principles for mutual reduction of troops and military confidence-building along the border during the visit to Moscow of Chinese Prime Minister Li Peng.

Though in terms of figures the border military potential on both sides remains rather heavy (see table), normalization of bilateral relations combined with a clear inclination on both sides to reduce the military presence reflects a strong prospect for settlement of the Soviet-Chinese military controversy as an important element of the North-East Asian conflict structure.

Military potential along the Soviet-Chinese border

Type	China	USSR
Manpower (thousands)	270	800
Tactical aviation	820	2 500
Tanks	5 000	8 000
Armoured fighting vehicles	10 200	1 500
Artillery pieces	7 000	9 500

The major problem at this time is formulated not so much in terms of confidence-building measures as in terms of practical implementation of the policy of sufficient defence, though even here it is not so much a question of quantitative ceilings for the reduction or reshaping of existing structures as a problem of setting the geographical limits for the arms reduction zone.

The fact is that the deployment of troops along the Soviet-Chinese border is not symmetrical. Taking into account climatic conditions and levels of economic development, the Soviet troops are located as close as possible to the border (not more than 200 km), while Chinese troops are primarily located in more remote (within a range of 300-700 km), mostly economically developed (by Chinese standards) and populated areas. On the other hand, north of the area where the Soviet troops are located there are underpopulated regions of Siberia, while south of the area where the Chinese are located there are major Chinese industrial zones.

From the viewpoint of security considerations it is nearly impossible to set limits of equal distance for the withdrawal or reduction of troops on both sides. If the limits are set at 300 km or more from the border from both sides for the Soviet Union, it would mean the need for complete demobilization of the troops in the region, because geo-economic factors prevent any deployment to the north of the limit, and redeployment to the European part of the USSR is excluded by the Treaty on Conventional Armed Forces in Europe. On the other hand, if limits are set at less than 300 km, it will mean that China has practically no obligation to reduce its forces. This is one reason for the Soviet insistence on asymmetrical delimitation of troops reduction zones.

*
* *

Summarizing the analysis of different directions of Soviet policy for Asian-Pacific security, it may be said that since the beginning of perestroika the USSR has not had any definite concept. Initiatives have been influenced mainly by the European experience and to some extent by former policy, but in most cases there is a distinct search for *ad hoc* solutions. Propositions put forward earlier have undergone important transformations in most cases, leading to limitation of innovations. The main conclusion is that ideas initiated by the USSR have rather little chance to be put into practice when they affect more than unilateral Soviet moves. The situation is explained, not only by the narrow conceptual background of Soviet ideas, but by the great level of mistrust of the USSR in the region.

Under these circumstances, the chance for the Soviet security policy in the Asia-Pacific region may be seen predominantly in the framework of broader United States-USSR talks in the event that the Soviet Union can propose new solutions to other problems, ensuring high American priorities there.

Another approach may be seen in the fact that the excessive Soviet naval presence in the Pacific is seen as a major threat by several nations. Without exchanges of gains and losses between the United States and the USSR, which are major rivals in the region, solutions may be seen only in inducing the USSR to take unilateral disarmament actions. In that case it is obvious that the USSR may exchange its military interests for some kind of gains in another field (political or economic). At the same time, it is rather unrealistic to await initiatives of that kind from the Soviet Union. It would be much more practical for the nations concerned to offer their options.

Global Disarmament Efforts to Strengthen the Regime of the Non-Proliferation of Nuclear and Other Weapons of Mass Destruction

The Non-Proliferation Obligations of the NPT

Brett T. Lineham

On 15 January—when this paper was being written—the world appeared headed into a new period of uncertainty and mistrust. Not only were there disturbing developments in the Soviet Union which threatened to undermine all the profound developments that had occurred there in recent years and which could put at risk the important disarmament agreements that appeared to signal a halt to and, in some areas, a reverse of the arms race, but the world was approaching "high noon" in the Middle East. It has not escaped anyone that the Middle East has been one of the most significant areas of concern in regard to nuclear weapon proliferation.

When we speak of the non-proliferation obligations of the NPT we are not talking about some academic thesis or legal entity—we are talking about countries accepting the fact that nuclear weapons are too horrible to use against other human beings; that nuclear weapons create instability rather than stability; and that every country should work towards the abolition of nuclear weapons for all time. Although many can be persuaded that there was a net saving of lives through the use of nuclear weapons in the second World War, there is no escaping the fact that the bombing of Hiroshima was an appalling and horrifying event, as was the bombing of Nagasaki. And as is well known, those two bombs were small, crude devices and would represent only a very tiny proportion of the explosive power available to a number of countries today.

In its preamble the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) states:

> "Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,
>
> Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war".

Brett T. Lineham is Director of the New Zealand Planning Council.

This was the attitude that the negotiators of the NPT took into their work in the mid-1960s. They were concerned about global war. They were concerned about the use of huge numbers of nuclear weapons or huge megatonnages of explosive power being released.

They were also negotiating at a time when many countries were fascinated by the possibility that nuclear explosives could be used to change the environment in a way beneficial to humanity.

They were also excited about the apparently boundless possibilities offered by the use of nuclear energy in the generation of electric power.

The 1960s were also a time when two great Powers were facing off and appeared to hold the world's strategic future in their thrall. They and a few other developed, predominantly Western, countries held the technology and possessed the wealth. Resources were plentiful and the future, apart from a major global war, seemed both exciting and unlimited. True, there were regional conflicts and tension but, when the chips were down, the ability of the major Powers to determine events seemed predominant.

The NPT was a product of these conditions. It was a good product, but because conditions have changed the question has to be put:

Is the NPT still a good product today and should we all be pushing to have the Treaty extended after 1995?

It is easy in hindsight to suggest that although the NPT might aim to redress a critical problem it is, in fact, targeted wrongly. In the last twenty years we have seen:

- The development of better relations between the United States and the Soviet Union;
- The weakening of the Soviet Union as a super-Power;
- The emergence of a whole new range of countries with the technological sophistication and the wealth to develop nuclear weapons;
- The sharpening of competition for resources;
- The exposing of the inutility of peaceful nuclear explosions;
- The overestimation of the value, and the underestimation of the costs, of power generation by the use of nuclear energy.

Would we today negotiate a treaty like the NPT? I think not. Nuclear weapons are not seen now so much as a source of global cataclysm, but as a major complication for regional peace and security. The United States and the Union of Soviet Socialist Republics have shown that in responsible hands nuclear weapons are unusable and that nuclear weapon proliferation is both expensive and unnecessary. However in irresponsible hands the situation is vastly different – not something that is likely to produce global devastation but certainly a danger to us all in one way or another.

If it is agreed that we would probably not negotiate a treaty like the NPT today, what sort of instrument should we try to draft? And would it be possible to produce anything better, more universal and more restricting, than the NPT?

To answer these questions we need to look more closely at the NPT and its obligations. I said before that the NPT was a good Treaty when it was signed in 1968. It was valuable because:

- It established an internationally accepted legal instrument against nuclear weaponry and not just non-proliferation;
- It predated and foreshadowed by nearly two decades that "a nuclear war cannot be won and must never be fought";
- It placed a strong emphasis on the obligations of the United Nations Charter to do with the threat or use of force in international relations;
- It emphasized the need to stop nuclear testing;
- It highlighted the significance of regional contributions to the solution of global problems;
- It promoted a cooperative approach to problem solving.

Of course, the caveats were there in the form of such language as "pursuant to a treaty on general and complete disarmament", "to undertake effective measures in the direction of nuclear disarmament", and "pursue negotiations at an early date". But these caveats are not unusual and should not be unexpected. A treaty is only as good as the ability and willingness of its parties to abide by its terms, and the original negotiators certainly had no intention of having supreme national interests overridden by a disarmament treaty.

Proliferation and ambiguity

Before looking in detail at the various obligations enshrined in the NPT it would be useful to consider what may be seen as a "technical" question. It has to do with the nature of proliferation. Where the United States, the Soviet Union, China, the United Kingdom and France are concerned the matter seems easily enough resolved at the macro level – more weapons means proliferation. But even here if different classes of weapons are considered, proliferation could be occurring while, overall, the numbers of weapons are diminishing. However, the situation gets much murkier when dealing with countries that have not admitted to owning nuclear weapons.

The development path for a nuclear weapon for a country that does not have access to the technology of a nuclear-weapon State is a long one requiring expertise, hardware, nuclear materials and lots of money. It is also considered to include a testing phase and the development of some means of delivering a nuclear weapon. Above all it requires an act of political will to initiate the development of nuclear weapons. Many of these factors have dual uses, both peaceful and malign; research reactors produce plutonium and some of the expertise required to run a nuclear power programme can also be switched into weapon development; rockets that can launch small satellites can also be adapted to carry a warhead to a terrestrial destination; a country that explodes a nuclear device for ostensibly peaceful purposes must have gained the capacity to develop a nuclear weapon.

A further complication is to be found where a nuclear-weapon State deploys its weaponry on the territory of an avowed non-nuclear State. This may not increase the number of countries that have control of nuclear weapons but it does increase the number of targets to be taken out by the weaponry of an opposing nation.

The terms "vertical", "horizontal" and "geographical" proliferation have been coined, but are not universally liked, to cover these cases. But they do not allow for precision about the extent of proliferation. Furthermore the NPT does not deal with geographical proliferation and it cannot deal with ambiguous cases of horizontal proliferation (and some of the countries that allow ambiguity about their nuclear weapon aspirations are NPT members, although most are not). But to many these factors are as important as and potentially more significant than the vertical proliferation that seems to be covered so well by the Treaty.

Obligations

The NPT sets out six main obligations. They are:

Article I, by which nuclear-weapon States undertake not to transfer nuclear weapons to any recipient and not to assist or encourage any non-nuclear-weapon States to manufacture or otherwise acquire nuclear weapons;

Article II, which incorporates the undertaking by non-nuclear-weapon States not to manufacture or otherwise acquire nuclear weapons;

Article III, which includes undertakings by non-nuclear-weapon States to accept International Atomic Energy Agency (IAEA) safeguards. Other subsidiary obligations included in this article have to do with not transferring unsafeguarded source or fissionable material to any non-nuclear-weapon States for peaceful purposes; not to allow safeguards to be implemented in such a way as to hinder economic or technological development; and for non-nuclear-weapon States to commence safeguards negotiations within a certain period of time after the entry into force of the agreement or the deposit of instruments of ratification or accession;

Article IV, which contains the undertaking to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy;

Article V, which refers to peaceful nuclear explosions and the undertaking to make available, under appropriate circumstances, the potential benefits from any applications of nuclear explosions to non-nuclear-weapon States;

Article VI, which requires each of the parties to the NPT to pursue negotiations in good faith on the cessation of the nuclear arms race and nuclear disarmament, and on a treaty on general and complete disarmament.

Article I: Transfers

The first part of this article relates to the obligation on nuclear-weapon States not to transfer nuclear explosive devices to any recipient. There is no evidence that any of the three nuclear-weapon States have acted in such a way as to give control over a nuclear weapon to a non-nuclear-weapon State. However – and this relates to the concerns expressed by many about geographical proliferation – the stationing of nuclear weapons on the territory of another State is considered by many to be an abuse of the non-proliferation undertaking of article I. It does not technically contravene the article but it does increase the distribution of weaponry. There is also concern about the use and control of tactical weapons.

Another problem arises in relation to the obligation on nuclear-weapon States not to assist non-nuclear-weapon States to manufacture nuclear weapons. Again, there is no evidence that NPT parties have violated this article but questions have to be asked about the export, by private companies, of technology, equipment and nuclear materials for use in civilian power or research reactors.

Cooperation between nuclear-weapon States and non-nuclear-weapon States with a range of countries now of concern as regards proliferation, has been going on for many years and predated the signing of the NPT. The following examples illustrate the point.

Canada's commitment to the NPT cannot be questioned, but the explosion of a peaceful nuclear device by India in 1974 owed much to Canadian equipment, technology and materials which had been exported to India (predating the NPT) for use in power generation. Similarly, cases such as Pakistan's cooperation with a number of Western countries and the speculation surrounding South African development of weaponry add fuel to the argument that the provisions of article II, while not openly flouted by NPT parties, are not as watertight as they should be.

It needs to be stressed that trade in technology, materials and expertise is still being carried out, often through dummy organizations, and potential proliferaters have been assiduously building up their resources with the assistance of foreign suppliers. It is hard for Governments to stop this sort of activity but there have been indications that some Governments have not been as vigilant as they should have been. An unwillingness to intervene in the activities of private companies is no excuse where the proliferation of nuclear weapons is concerned.

Article II: Undertaking not to develop weaponry

This is a key article for the non-nuclear-weapon States, whereby they assume an obligation not to develop or acquire weapons or nuclear explosive devices. In most cases the countries that have been targeted as threshold countries are not NPT parties. Furthermore there has been no direct evidence that I have seen that the "suspicious" NPT countries have actually developed weapons – the wording of Article II is quite clear where it talks of manufacturing or acquiring weapons. It may be that some countries have clandestine weapons programmes and have gone a long way towards getting some sort of device operational, but as yet nothing concrete has turned up.

Iraq and the Libyan Arab Jamahiriya are two NPT members who have completed safeguards agreements but who are frequently mentioned as pouring resources into the development of nuclear weapons. Israel has made it quite clear that it thinks Iraq has been developing weapons and its attack on the Tamuz I reactor near Baghdad in 1981 was evidence of its concern. The Iraqi decision to buy, from France, a large research reactor after it had been denied a gas-graphite reactor by the same country in the mid-1970s (a reactor which would have been a good source of plutonium), is a further indication of the policy of pursuing a capacity to develop nuclear devices. There may well be other reasons why Iraq is devoting so much attention to nuclear technology, but it is hard to find conclusive ones. And Iraq's willingness to entertain chemical warfare, and allegations about a biological warfare capacity indicate that it has made a political decision to acquire and use weapons of mass destruction.

There is also a loophole in the NPT which may be weakening the non-proliferation regime. There have been allegations about Arab financial assistance to Pakistan to help it develop nuclear weaponry – the so-called "Islamic Bomb". If these allegations are true, then it could be that some non-nuclear-weapon States members of the NPT are helping a non-nuclear-weapon State non-member to develop a nuclear weapon. This is not prohibited by the NPT but could certainly be against the spirit of the agreement.

When looking at the value of the NPT it is worth reflecting on the situation in a few of the areas that have decided not to develop weaponry: Egypt, the Republic of Korea and Taiwan are instructive. In each case it was felt that the advantage of increased access to technology and finance would outweigh the possible benefits of having a nuclear-weapon capability. For countries such as Sweden and Switzerland it was felt that for them to accumulate weaponry would compromise rather than strengthen their security.

Article III: The verification obligation

Under this article all non-nuclear-weapon States parties to the NPT are required to conclude safeguards agreements with IAEA. Nuclear-weapon States parties are under no such obligation although all three have voluntarily agreed to complete safeguards agreements for a range of their facilities (generally civilian or not "directly significant" to their national security).

The major objective of the safeguards system is to prevent the diversion of nuclear materials from civilian nuclear programmes to the development of nuclear explosive devices. The safeguards system is not intended or designed to be the international policeman searching out the proliferating countries. It is not capable of providing the definitive answer that this or that country has nuclear weapons. It has been established to verify that a country subject to full-scope safeguards has not diverted nuclear materials, and by and large the IAEA system has been a success.

This is not to say that the safeguards system is immune from criticism. Countries regularly complain that the system is discriminatory and that non-NPT countries often get better deals from NPT suppliers than NPT parties. Even the absence of discriminatory treatment between NPT and non-NPT recipients favours the non-NPT country that does not have to adopt safeguards as a condition of supply. Countries such as Canada, Australia and the United States do demand that a buying country accept full-scope safeguards but other NPT parties do not.

Then there is the completeness of the regime. I have already mentioned that nuclear-weapon States members of the NPT do not have all their facilities safeguarded. Other NPT members have not yet negotiated safeguards agreements with the IAEA although this is not of major significance because none of these countries have run nuclear programmes. Finally there are militarily significant countries with well-developed nuclear programmes that do not have key facilities safeguarded. The NPT system is supplemented by the safeguards requirements of the Treaty of Tlatelolco and the Treaty of Rarotonga, but there are still critical gaps in the safeguards system.

Article IV: Transfer of technology

Part of the bargain struck in the NPT was the obligation on NPT parties "in a position to do so" to contribute to other NPT members' efforts to develop nuclear energy for peaceful purposes. As I mentioned earlier, the NPT was negotiated in a much more optimistic era than exists now and when nuclear energy seemed to hold out so much promise for countries heavily dependent on imported oil for power generation. There was also a strong North/South component in the deal – that developing countries would be assisted by the wealthier developed countries to develop. It will have also been recognized by the nuclear industry lobby as useful to have in a document such as the NPT some agreement reached at government level, to assist the development of the peaceful uses of nuclear energy.

Optimism about peaceful nuclear development did not last much longer than the negotiating phase of the NPT itself. By the mid-1970s the bloom had gone off nuclear power generation and "Atoms for Peace" was a very decrepit catchphrase. Along with the downturn in reactor trade went the hitherto virtual monopoly of the Soviet Union and the United States in nuclear trade. This was a particularly significant development because it weakened what had been a relatively successfully applied system of safeguards under the control of these two countries. With the advent of the Federal Republic of Germany, France and Canada as major suppliers came a new approach to safeguards and new challenges to the international proliferation system.

On 18 May 1974, at Pokaran, the non-proliferation cause received a severe jolt (along with the surrounding countryside) when India detonated its so-called "peaceful device". The significance of this development cannot be underestimated. The NPT rules came under severe questioning and a series of developments ensued which, while tightening up the system, provoked charges of "developed country collusion", "the frustrating of developing country ambitions", "capitalist greed" and the non-fulfilment of article IV of the NPT.

In 1974 the London Nuclear Suppliers Group (NSG) was set up by the industrial supplying countries from both East and West. As the objective of the NSG was to establish common guidelines for their exports, and as developing countries were excluded from the Group, it set itself a very difficult political hurdle to climb over. As well it did much to accelerate the ambitions of some significant "developing" yet technologically advanced countries to establish themselves as alternative suppliers of nuclear technology. The London Club, as it became called, established a system which was to be applied to both NPT and non-NPT countries, of "restraint" in the export of sensitive facilities and materials.

The passing by the United States of its Nuclear Non-Proliferation Act in 1978 signalled a further tightening up of supply conditions. The International Fuel Cycle Evaluation concluded that there was no technical way of producing nuclear energy without using or producing fissile material suitable for use in weapons (that is, it failed to come up with an alternative to a plutonium-producing system) and therefore failed to contribute to the cause of non-proliferation.

The United Nations Conference on the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy, which had been many years in gestation, was intended to promote international cooperation in the peaceful uses of nuclear energy. It had a shaky path through its preparatory committees and was not convened until early in 1987. There was a major divergence of opinion at the Conference between the nuclear suppliers and the leading objectors to the NPT on the principles governing the peaceful development of nuclear energy. The former, supported in particular by the Western States, emphasized that the peaceful use of nuclear energy should be developed only in conjunction with a very strict approach to nuclear non-proliferation. The latter, supported by many developing countries, sought agreement on the unfettered peaceful application of nuclear power. No consensus was reached and the stand-off continues to this day. The IAEA Committee on Assurances of Supply also failed to resolve the problem.

The problems relating to article IV problems have done nothing to strengthen the NPT and, looked at in the wider sense, the cause of non-proliferation. Whereas Article IV was supposed to allay the fears of developing countries, in particular, that the NPT was going to frustrate the development of peaceful nuclear programmes, many countries feel that their fears were justified. Supplier States have tightened up their conditions of supply and have used the fear of nuclear weapon proliferation as the main factor underpinning their actions. Developing countries, on the other hand, see the protection of commercial advantage as a prime motivating force. The "obligation" in article IV has, most clearly, not been met and at a time when hopes for nuclear power generation have been so dampened, and in the midst of a major and long-term slump in the nuclear power industry, the article appears rather anachronistic.

Article V: Peaceful nuclear explosions

By this article nuclear-weapon parties are to make available the "potential benefits" of peaceful nuclear explosions to non-nuclear-weapon parties (under appropriate international observation). It seems that more heat has been generated in arguments over this subject than by all the truly peaceful nuclear explosions that have been ignited over the years. I say "truly" peaceful because as far as I am concerned there has been no nuclear explosion that has had a solely peaceful application. All explosions of nuclear devices provide information on utility in weapons design. This is a significant point. It opens up real questions about the reasons adduced by such countries as Argentina for not signing the Treaty when they include the inability of non-nuclear-weapon signatories to carry out peaceful nuclear explosions. And India's explosion is well recognized as having very few peaceful applications.

To be charitable, it can be admitted that prior to the mid-1970s countries were still, with apparent conviction, experimenting with peaceful nuclear explosions so there is a possibility that non-nuclear-weapon States might have genuinely thought they were missing out on a technological breakthrough, but this is drawing a long bow. The benefits of peaceful nuclear explosions were vastly oversold by their proponents and the military significance of such explosives were too often discounted.

Article V has not been implemented, and given the current extent of interest in peaceful nuclear explosions, it seems likely to remain quietly on the shelf.

Article VI: Disarmament

Nuclear disarmament was seen by the non-nuclear-weapon States as the major quid pro quo for their agreement in the NPT not to acquire nuclear weapons. Hence article VI was agreed, which obliged the nuclear weapon States "to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament".

To most, this article is the keystone of the NPT. It, more than any other, has been the sticking point in NPT Review Conferences and it is likely to cause the most difficulty in the hugely important 1995 Review Conference, when the future of the Treaty will be at stake. For it has been very difficult, until recently, to detect any signs of progress in ridding the world of nuclear weapons. The arms race had been accelerating and new classes of weaponry had, by adding utility to weaponry, increased the chances that nuclear weapons would be used in a battle situation.

Nuclear testing had been seen as a critical factor in the design of new weapons, and the willingness of countries to negotiate a comprehensive test ban was seen as the litmus test of nuclear disarmament. For a variety of reasons a number of countries, not just nuclear-weapon States, obstructed the comprehensive test ban negotiating process and nuclear testing by the nuclear-weapon States continued apace. Offers by the Soviet Union of a general moratorium on testing were not taken up and the proponents of a comprehensive test ban received no convincing evidence that a willingness to negotiate was just around the corner.

The improvement of relations between the Soviet Union and the United States did however promote the cause of disarmament. The Treaty on the Elimination of Medium-Range and Shorter-Range Missiles (INF Treaty) resulted in the elimination of an entire class of nuclear missiles. Sadly, what it did not do was eliminate the warheads, and recycling of some of these is apparently being carried out. The Strategic Arms Reduction Talks (START), which continued the SALT process, promised a significant reduction in strategic weaponry but will probably result in only 30 per cent reductions overall.

Given the quantity of weaponry remaining, it is hard to see that INF and START will be considered as a satisfactory response to the deal negotiated in the NPT. START 2 could be significant in this regard but recent political developments in the Soviet Union may make it more difficult to achieve progress. Furthermore the unwillingness of the United States to negotiate on naval weapons, the United Kingdom decision on Trident replacement, and the refusal of non-NPT parties, France and China, to enter into nuclear disarmament negotiations, at least at an early date, will be taken as a sign of bad faith as far as nuclear disarmament is concerned.

A new consensus?

It is hard to escape the conclusion that the NPT is somewhat out of date and pays too much attention to the possibility of global war and not enough to regional conflict. It does not pick up the reality of the utility of peaceful nuclear explosions and has not provided, for many, the benefits they had hoped would come from the peaceful uses of nuclear energy. Some members of the NPT have come under suspicion about their nuclear weapon aspirations and the agreement does not include other countries about which there are serious proliferation concerns.

Should the NPT be changed? I would say "Yes"—but that is not really the point. Can it be changed? I do not think so. Are any of its omissions or anachronisms fatal to the non-proliferation regime? Are any of its obligations impacting negatively on world security? I do not think so.

- Nuclear-weapon States should still not assist non-nuclear-weapon States, in any way, to acquire or gain control over nuclear weapons;
- Non-nuclear-weapon States should, because of the very nature of nuclear weapons, continue to reject the possibility of acquiring those weapons. I do not think it is a valid argument that stability would improve the more countries there were possessing nuclear weapons;
- Safeguards are tremendously important and all countries should continue to work towards an all-embracing full-scope safeguards system;
- If there are advantages from the peaceful uses of nuclear energy (and there are in the medical and research fields), then the benefits should be shared. There are non-proliferation benefits coming from openness and greater cooperation;
- The very term "peaceful nuclear explosions" is a misnomer but recognition of the futility of pursuing "advantages" from this misuse of nuclear energy, does not damage the NPT;
- And nuclear disarmament must continue. There is agreement in the NPT that it should and this agreement must be maintained.

So the NPT is still a good treaty. It is a flawed jewel but it is still the best that could be achieved. It would not be possible today, and in the foreseeable future, to get a significantly better treaty. A new and different consensus does not seem possible.

Most of us would like to see a comprehensive test-ban treaty negotiated and a real start made to ending testing for all time. But this is just not going to happen until nuclear-weapon States have decided that their security is weakened rather than strengthened by nuclear weapons.

We would all like to see nuclear disarmament achieved before the end of this decade but this is extremely unlikely and no multilateral treaty is going to force the hand of the nuclear-weapon States.

The obligations of the NPT, flawed and caveated as they are, are still in most respects important and need to be maintained. Efforts to rewrite and improve will only be doomed to failure. The NPT parties – an ever-growing number, it is hoped – must not lose the NPT and its contribution to world security, by trying, futilely, to achieve perfection.

Non-Proliferation of Nuclear Weapons

Chusei Yamada

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) entered into force 21 years ago. With the adherence of 141 countries, it has become the central regime for prevention of the proliferation of nuclear weapons. However, the Treaty is not of unlimited duration. In 1995 – that is to say in four years' time – the parties to the Treaty are to hold a conference (the so-called extension conference) to decide whether the Treaty shall continue in force indefinitely or shall be extended for an additional fixed period or periods (article X, paragraph 2). At intervals of five years, the parties to the Treaty have held a conference to review the operation of the Treaty with a view to ensuring that the purposes of the preamble and the provisions of the Treaty are being realized. In August/September 1990, the Conference, which was for the last review during the initial period of 25 years of the Treaty, failed to adopt a final declaration. We must be prepared for some rough going at the extension conference in 1995.

This brief paper is meant to present a Japanese perspective on the maintenance and strengthening of the nuclear non-proliferation regime. However, the views expressed are those of the author and should not be construed as necessarily reflecting those of the Government of Japan.

The nuclear age

Humanity witnessed the dawn of the nuclear age at the end of the Second World War. It was the beginning of a new era of science and technology, but at the same time the beginning of the world of nuclear fear. For some time, the United States had a monopoly on nuclear weapons, but others were soon to catch up. By the end of 1966, the United Kingdom, the USSR, France and China joined the nuclear club. The 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was an attempt to stop the dangerous spread of nuclear weapons to a

Chusei Yamada is Ambassador of Japan to Egypt and was formerly Disarmament Ambassador.

greater number of countries, thereby increasing the threat to world peace.

Was the NPT successful?

The Treaty prohibits the acquisition of nuclear weapons by non-nuclear-weapon States while it tolerates the continued possession of such weapons by five nuclear-weapon States. Despite this inherent discrimination among States, an overwhelming majority of States, by adhering to the Treaty, undertook the obligation not to become nuclear-weapon States. The Treaty has now become one of the most important and universal arms control agreements. Yes, it was successful in arresting horizontal nuclear proliferation.

On the other hand, several important States with potential nuclear capability opted to stay outside the regime. Some of them are reasonably suspected of already possessing nuclear weapons. At the same time, non-nuclear-weapon States parties to the Treaty have been frustrated over the slow pace of nuclear disarmament (article VI) and over the lack of progress on the nuclear test ban (preamble). For non-nuclear-weapon States, the NPT is not an end in itself. It is a step, a vital step, towards arresting the proliferation, towards reversing the trend and towards progress in achieving the final goal of a nuclear-weapon-free world.

Are nuclear weapons necessary as a deterrent to aggression?

For the past 45 years, since the end of the Second World War, we have lived in the period of East-West confrontation. The North Atlantic Treaty Organization (NATO) and the Warsaw Treaty alliance confronted each other with formidable arsenals, of which nuclear weapons were the vital component. Whether one believes in the doctrine of nuclear deterrence or not, one must accept the fact that there has not been a war between East and West and that the nuclear arsenals in both camps might have acted as effective deterrents to the outbreak of such a war. Would a war have broken out had it not been for the nuclear arsenals? I cannot answer the question. It does not do us any good to try to answer a hypothetical question. Rather we must base ourselves on the reality that there are lots of nuclear weapons, some

50,000 warheads indeed. Deterrence is necessary in any society to maintain law and order. The question is whether the deterrence can be provided only by nuclear weapons. There is widespread awareness that a nuclear war cannot be won and therefore should not be fought. If a nuclear weapon could not be used in a war, its deterrent effect would be substantially diminished. This will lead us to conclude that we can lower the level of the nuclear force of both camps step by step without disturbing the balance between them, with the ultimate goal of the total elimination of nuclear weapons.

Some countries hold the view that independent nuclear force is necessary for their own defence, a view to which I do not subscribe. What right do they have to claim to be different from others by denying others the right to possess their independent nuclear force? If others would claim the same, the NPT regime would collapse.

What should our goal be?

The NPT has served us well. Its regime must be maintained. However, it should not be taken for granted that the Treaty will be automatically extended in 1995. It could be extended if the regime could be strengthened. It requires sincere efforts on the part of all of us. There are, as I said, many potential nuclear-weapon States still outside the regime. There are also many non-nuclear-weapon States parties to the Treaty which are now capable of becoming nuclear-weapon States. Those States have serious reservations and frustrations as regards the current status of nuclear disarmament. The United States and the USSR have been pursuing their negotiations on nuclear forces for some time now. Given the dramatic changes that are taking place in Europe and in East-West relations, the prospect of their negotiations is brighter.

The 1995 Conference should not be a forum for confrontation between the nuclear-weapon States and the non-nuclear-weapon States. It should be the forum of joint efforts:

- to obtain universality of the Treaty;
- to promote nuclear disarmament and the goal of cessation of nuclear-weapon tests, but not as preconditions for the extension of the Treaty;
- to promote cooperation for the peaceful use of nuclear energy;
- to strengthen the verification regime;

- to assure the security of non-nuclear-weapon States.

It would be naive to think that the Treaty could be extended indefinitely. Such an attempt would most probably backfire and cause discord among the parties. We must settle for a reasonable period of extension, with a mechanism that will allow the Treaty to be renewed further. The maximum length of such period is most likely 25 years.

What about other weapons of mass destruction?

As regards agreements on other weapons of mass destruction, the most immediate question relates to the chemical weapons, for which there exists only a non-use agreement (the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare). Extensive negotiations have been going on for the last several years in the Conference on Disarmament in Geneva to prohibit the production and possession of chemical weapons. There have been attempts to link the negotiations on chemical weapons with those on nuclear disarmament. The negotiation on chemical weapons must be conducted separately because the linkage would not only complicate the matter but would also make it impossible to achieve results. However, we must recognize at the same time that when a country decides to renounce chemical weapons, it is relevant to ask whether its adversary possesses nuclear weapons. Therefore, separate but simultaneous efforts must be made to tackle the problems of both nuclear and chemical weapons.

The regional efforts

The Treaty of Tlatelolco (1967) and the Treaty of Rarotonga (1986) are important regional agreements designed to keep Latin America and the South Pacific free of nuclear weapons. There are other schemes to establish nuclear-weapon-free zones in other regions. While these regional efforts can play a valuable supplementary role, central efforts must be focused on the strengthening of the NPT regime since nuclear weapons have, by their character, global consequences.

NPT Review Conference

John Gee

The vast majority of the members of the international community have been trying to prevent the spread of nuclear weapons since the nuclear age began. The key international instrument in this long campaign has been the international non-proliferation regime established by the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the NPT Review Conference process. The most recent NPT Review Conference – the fourth since the Treaty entered into force in 1970 – was held in Geneva from 20 August to 14 September 1990. This paper looks at the Review Conference process and offers some thoughts for the future.

The problem

The development of new forms of weaponry over the milleniums, whether gunpowder, the crossbow, the ballistic missile or the chemical weapon, has in essence been a process of scientific and technological innovation – which in itself is neutral – and has resulted from the application of technology for both peaceful and warlike purposes. This pattern was followed with the development of nuclear energy, but the unprecedented destructive power of nuclear weapons meant that, for the first time, attempts to curb the use of nuclear weapons began before the first nuclear device was detonated: many United States scientists working on the atomic bomb project had qualms over what they were doing and urged the United States Government to exercise restraint in its use.

The use of nuclear weapons in 1945 against Hiroshima and Nagasaki, however, let the nuclear-weapon genie out of the bottle, and early attempts to control it, such as the 1946 Baruch Plan, came to nought.

The outlook in the post-war period for nuclear arms control was grim. A decade after Hiroshima there were two more nuclear-

John Gee is Director of the Chemical and Biological Disarmament Section of the Department of Foreign Affairs and Trade of Australia.

weapon States – the Soviet Union and the United Kingdom – and thermonuclear devices had been developed. A further decade and the number of nuclear-weapon States had grown again by two – this time France and China. In the early 1960s there were grim predictions of 30 or more nuclear-weapon States by the 1990s.

In addition, more and more countries wanted to exploit nuclear technology for economic and social development. Nuclear proliferation was under way because the first attempts by the international community in the 1940s and 1950s to control nuclear energy and nuclear weapons had failed.

But a renewed effort at collective control of nuclear technology was beginning. Following President Eisenhower's "Atoms for Peace" speech in December 1953, agreement on a statute for an International Atomic Energy Agency (IAEA) was reached in 1956. The Agency came into existence in 1957. In 1961 the IAEA's first safeguards system came into existence. Further efforts led in 1967 to the introduction into the Disarmament Committee in Geneva by the United States and the Soviet Union, of a draft treaty on the non-proliferation of nuclear weapons.

The Treaty

The Treaty on the Non-Proliferation of Nuclear Weapons was concluded in 1968 and entered into force in 1970 after ratification by the USSR, the United Kingdom and United States, three depositary Powers of the Treaty, and 40 others.

The broad objectives of the Treaty are:

- To prevent the proliferation of nuclear weapons to States other than the five States recognized as nuclear-weapon States in 1968 – the USSR, the United Kingdom, the United States, France and China;
- To facilitate peaceful nuclear cooperation between Treaty members;
- To work towards nuclear and general disarmament.

Each of the nuclear-weapon States party to the Treaty undertakes not to transfer any weapons or material that may be used to manufacture a nuclear device (article I). Each non-nuclear-weapon State party to the Treaty undertakes not to receive such material or seek to develop a nuclear device (article II). These commitments are enforced by article III, which specifies that all non-nuclear-weapon States parties to the Treaty should conclude a safeguards agreement with IAEA.

Article IV concerns the rights of all parties to develop or use nuclear energy for peaceful purposes. All parties undertake to facilitate peaceful nuclear cooperation, with due consideration for the needs of the developing areas of the world.

Article V provides for so-called peaceful nuclear explosions.

Under article VI all parties undertake to pursue negotiations in good faith on the cessation of the arms race and on a treaty on general and complete nuclear disarmament.

Article VII provides for the establishment of regional nuclear-weapon-free zones.

Article VIII provides for review conferences every five years.

In accordance with article X, 25 years after the Treaty's entry into force – that is, in 1995 – a conference shall be convened to decide for how long the Treaty should be extended.

The review conference process

A major effort was made prior to the First Review Conference in 1975 to establish firmly the viability of the Treaty. Australia completed its ratification in 1973. The then Euratom non-nuclear-weapon States (Belgium, Luxembourg, Netherlands, Italy and the Federal Republic of Germany), together with the Republic of Korea, ratified the Treaty in 1975. The convening of the Review Conference in May 1975 speeded up the ratification of the NPT by several countries, and by the end of the Conference (30 May), 96 countries were bound by the Treaty, although only 58, or 60 per cent, of them attended the Conference.

The First Review Conference (1975)

The First Review Conference reaffirmed the commitment and confidence of the parties in the Treaty, notwithstanding dissatisfaction with the implementation of article VI – the commitment to disarmament. The Conference adopted, by consensus, a final document and made recommendations for further work on physical protection of nuclear material, peaceful nuclear explosions and regional nuclear fuel cycle centres. Proposals for redressing the balance of responsibilities and obligations of NPT parties by matching the cessation of horizontal proliferation with a halt to vertical proliferation proved unacceptable to the nuclear-weapon States.

Despite the views expressed by a number of member States during the Conference that IAEA safeguards should apply to all peaceful nuclear activities in all non-nuclear-weapon States, the final document only took note of these views and did not impose the requirement for full-scope safeguards as a condition of nuclear supply. As a result, non-parties continued to accept only facility- or material-oriented safeguards (so-called INFCIRC/66 safeguards) in return for supply instead of comprehensive or fullscope safeguards (so-called INFCIRC/153 safeguards) and, being assured of continuing supplies of fissionable material and relevant equipment and technology, there was little incentive for them to become parties to the NPT.

This notwithstanding, Treaty membership continued to grow as the Treaty came to be seen as setting the standard for responsible international behaviour in the nuclear area. It subsequently attracted, amongst others, the important ratifications of Japan in 1976, Switzerland in 1977 and Indonesia in 1979.

The Second Review Conference (1980)

In the late 1970s, the NPT suffered from the deterioration in super-Power relations and the uncertain future of nuclear arms control, particularly the bilateral United States-Soviet negotiations on the limitation of strategic arms and the trilateral United States-United Kingdom-USSR negotiations on a comprehensive nuclear test-ban treaty. There was also North-South friction: India's detonation of a nuclear explosive device in 1974 led to a re-examination of nuclear supply policies by nuclear suppliers who, mindful of their own obligations under the NPT, moved to tighten conditions on the export of nuclear materials, equipment and technology. This process manifested itself in the Nuclear Suppliers Guidelines of 1978 and a tightening of bilateral safeguards policies. The actions of suppliers was seen at the time by some developing countries as inconsistent with article IV of the Treaty.

The 1980 Review Conference, held in September 1980 and attended by 75 out of the then 114 States parties to the Treaty, was consequently characterized by division and disagreement and, in contrast to the outcome in 1975, failed to obtain agreement on a final document. There was constructive but inconclusive discussion on articles III (safeguards) and IV (cooperation), and there was also a spirited but inconclusive discussion on full-scope safeguards as a condition of nuclear supply. The Conference welcomed the conclusion of the Convention on the Physical Protection of Nuclear Material foreshadowed by the First Review Conference, and also agreed that the efforts to establish a scheme for international plutonium storage should continue. The main stumbling-block, however, was the increasing dissatisfaction on the part of the developing countries with progress by the super-Powers on nuclear disarmament.

Notwithstanding this outcome, the Treaty remained viable and in force and continued to attract additional adherents.

The Third Review Conference (1985)

Super-Power and East-West relations reached one of their lowest ebbs in the early 1980s, and there was considerable concern prior to the Third Review Conference over its outcome. Many expected harsh polemics at the Conference between the super-Powers, and harsh criticism by developing countries of the super-Powers' failure to make any meaningful progress on nuclear disarmament. In the event, these early fears were not borne out: proof perhaps that, at that stage, the importance of nuclear non-proliferation was one of the few things on which the super-Powers were able to agree. The Soviet Union escaped criticism and only the United States was explicitly singled out for censure, particularly for its refusal to enter negotiations on a comprehensive test ban. The sharpest controversies at the Conference erupted between Iran and Iraq, and then on issues only indirectly connected to the Conference.

The 1985 Conference was a major success for the Treaty. Membership had grown to 131, of which 86 attended the Conference. As had its predecessors, the Conference reaffirmed the continuing viability of the Treaty and of the IAEA safeguards sytem. It devoted considerable attention to the question of armed attacks on safeguarded facilities, or threat of such attacks, agreeing that such a situation would require action by the Security Council. In this connection reference was made to the 1981 Israeli attack on nuclear installations in Iraq, and Iran complained that Iraq had destroyed its nuclear facilities and insisted that this be explicitly recognized by the Conference. Iraq rejected Iran's allegation and it was this controversy that held up agreement on the final document until very late in the Conference.

There were two major issues on which there was disagreement: differing views over nuclear testing and over full-scope safeguards as a condition of nuclear supply. The positive aspects of the Conference, however, far outweighed these areas of disagreement and the Treaty's vital contribution to international peace and security was upheld by the businesslike manner in which the Conference operated and by its adoption by consensus of the final document.

The Fourth Review Conference (1990)

The Fourth Review Conference took place in Geneva from 20 August to 14 September 1990. Eighty-four of the 141 States parties to the NPT participated in the Conference, and for the first time, the two nuclear-weapon States outside the Treaty, France and China, attended the Conference as observers.

The main issues at the Conference followed the pattern of previous review conferences with some new elements. There was a strong underlying theme of the increased relevance of the Treaty in the 1990s and concern to see that nuclear supply conditions be tightened and that IAEA safeguards and nuclear export control arrangements remain effective.

The First Committee focused its attention on compliance by Treaty members with the obligations of articles I and II and on nuclear disarmament issues, particularly the cessation of nuclear testing and negative nuclear security assurances (NSAs). NSAs are assurances from the nuclear-weapon States that they will not use or threaten to use nuclear weapons against non-nuclear-weapon States members of the Treaty.

Because of differences over nuclear testing and the direct link that some countries wished to make between a comprehensive test ban and extension of the Treaty in 1995, the First Committee was unable to agree on a report despite agreement on language covering a wide range of disarmament issues.

The Second Committee dealt with article III of the Treaty and the IAEA safeguards system. Its consensus report contained a number of very useful conclusions and recommendations on the implementation of IAEA safeguards, the option of special inspections by the IAEA's inspectors, safeguards in nuclear-weapon States, the importance of having NPT parties conclude the necessary safeguards agreement with IAEA promptly as required under article III, and controls on nuclear exports.

Its most important conclusion was a call on the nuclear supplier States to require full-scope safeguards as a necessary condition for new nuclear supply, that is, a commitment by nuclear suppliers to require, and recipients to accept, the application of IAEA safeguards to all current and future nuclear activities.

The Third Committee examined the implementation of articles IV and V, concerning cooperation in the peaceful uses of nuclear energy. Like the Second Committee, it also adopted a consensus report. It made a number of recommendations concerning the technical assistance programme of IAEA, called for IAEA to give more attention to the needs of least developed countries, called for a reduction in barriers to bilateral cooperation between parties to the Treaty, and called for action in a number of directions on the question of preventing attacks on nuclear installations. On behalf of the members of the Regional Co-operative Agreement for Asia and the Pacific, Malaysia submitted a background paper on the Agreement, and the draft final document noted the continuing contribution of the Agreement to regional development.

At the end of the Conference, agreement had been reached on 95 per cent of the draft final document. The lack of agreement on nuclear testing and nuclear disarmament issues preoccupied the Drafting Committee for most of the remaining week of the Conference.

The failure to find consensus language on these issues led to a proposal from the Conference President, Ambassador de Rivero of Peru, at the final plenary session, when he produced a brief document which set out the two differing sets of views on nuclear disarmament issues that had prevented the First Committee from adopting a consensus report and he proposed that this be incorporated in the final conference outcome. When the plenary resumed after a pause to examine the President's proposal, only one delegation, Mexico, expressed opposition to it. There was no time left for further negotiation expressed opposition to it. There was no time left for further negotiation and there was no alternative but for the Conference to end without formally adopting a final document.

This was a disappointing result. The Conference had reached agreement on a substantial number of important issues, and these achievements would have been accorded greater status had they been recorded in a final document.

Developments since the Fourth Review Conference

There have, however, been a number of positive developments since the Fourth Review Conference which have served to underline the achievements of the Conference.

Statements by a considerable number of States both at the thirty-fourth regular session of the General Conference of IAEA in Vienna in September and at the recent session of the United Nations General Assembly show that there is widespread agreement, including agreement on the part of Mexico, that the Review Conference should be considered a success.

At the IAEA General Conference, a group of 23 countries including Australia, Bangladesh, Indonesia, Japan, the Republic of Korea, Malaysia, Mexico and New Zealand circulated the agreed Review Conference language on articles III, IV and V as a General Conference document. This action ensured that some of the significant achievements of the Review Conference were given official status.

On 17 September 1990, the South African Government announced that it was prepared to accede to the Treaty in the context of an equal commitment by the other States in the southern African region. Also that month, two States, Albania and Mozambique, acceded to the NPT. These are welcome developments.

The period since the Review Conference has also seen some welcome developments in Latin America. In his address to the United Nations General Assembly on 24 September 1990, Brazilian President Collor de Mello reiterated his Government's commitment to the South Atlantic Zone of Peace and Co-operation and stated that Brazil discarded the idea of any experiments that might involve nuclear explosions. A senior adviser to the President has added that the

November the Argentinian and Brazilian Presidents announced their intention to cooperate in the peaceful use of nuclear energy, *inter alia*, through the exchange of data on their nuclear activities, the establishment of a system of inspection of each other's nuclear facilities, and the negotiation of a joint safeguards agreement with IAEA, and to bring the Treaty of Tlatelolco into full effect as far as they were concerned.

In December 1988 India and Pakistan signed a bilateral agreement prohibiting attacks on each other's nuclear installations and facilities. In January 1991 the agreement was ratified in Islamabad, a most welcome development.

Other nuclear proliferation developments of a less welcome nature since the Review Conference have concerned Iraq and Pakistan.

There have been media reports suggesting that Iraq may be seeking to acquire a nuclear-weapon capability. Iraq is a party to the NPT and has concluded a full-scope safeguards agreement with IAEA. Its facilities continue to be inspected by IAEA, most recently in November 1990 when IAEA found all material under safeguards accounted for. The concern is not with this programme, but rather centres round indications that Iraq may be attempting to acquire nuclear weapons in other ways. Any action by Iraq to acquire nuclear weapons would be in breach of its international treaty obligations.

The situation concerning Iraq's nuclear facilities remains uncertain in the light of President Bush's announcement on 16 January that, *inter alia*, the United States "was determined to knock out Saddam Hussein's nuclear bomb potential" and subsequent statements by United States officials that the current bombing of Iraq by the Coalition had destroyed a substantial portion of Iraq's nuclear facilities.

The United States has suspended aid to Pakistan pending clarification from the new government in Pakistan of the nature of its nuclear programme. In accordance with United States law, United States aid to Pakistan continues only if the President certifies each year that Pakistan does not possess a nuclear weapon and that United States aid is serving to discourage Pakistan from developing nuclear weapons. The United States suspended aid to Pakistan before Pakistan's elections on 24 October. On 7 November President Nawaz Sharif reiterated Pakistan's peaceful nuclear intentions. At the time of writing, however, United States aid to Pakistan had not been resumed.

Outlook for nuclear proliferation

The NPT remains healthy and vital despite the disappointing absence of a final document from the Fourth Review Conference. Two more States, as already mentioned, have recently joined the Treaty, and there remains optimism that South Africa and other southern African States will also join the Treaty soon.

However, the continued success of the Treaty cannot be taken for granted and it requires the strong support of its parties. There are continuing challenges to the NPT which, if ignored, could undermine the credibility and effectiveness of the Treaty. There are worrying proliferation pressures in the Middle East and South Asia and on the Korean peninsula. France, China, Argentina, Brazil, South Africa, India, Israel and Pakistan – all countries with significant nuclear activities – remain outside the Treaty. Though advances have been made in super-Power nuclear arms control through the INF Treaty and the START agreement shortly to be concluded, more needs to be done. There is also the challenge of ensuring that IAEA has the necessary resources to carry out its responsibilities at a time when there are significant developments in the nuclear fuel cycle.

I would like to say just a few more words about this last challenge. The 1990s will see a number of developments in the nuclear fuel cycle relevant to the safeguards responsibilities of IAEA. A steady increase is forecast for the construction of power reactors. There will be an increase in commercial reprocessing, including an increase in at least one non-nuclear-weapon State. The rate of plutonium separation and the use of separated material will be higher. The quantity of spent fuel stored will increase, with some stored away from reactors.

These developments will place additional pressures on IAEA. The safeguarding of fuel cycle processing facilities is already absorbing a significant proportion of the Agency's safeguards resources. Safeguards arrangements, possibly more demanding of resources, will need to be developed for large-scale commercial reprocessing facilities and for the manufacture and use of mixed oxide fuels. The questions whether and at what point safeguards on disposed waste can be terminated will need to be resolved.

It is of central importance to the continued effectiveness of the NPT that IAEA should have the resources, both human and financial, to carry out its international legal responsibilities in the application of safeguards. IAEA is the first, and so far the only, truly functioning multilateral verification system. Maintaining the credibility and effectiveness of IAEA safeguards is therefore in the clear interest of all of us and of the future of arms control generally.

Conclusion

For 20 years the nuclear non-proliferation Treaty has made a major contribution to regional and international stability and security. The great majority of States in the Asia-Pacific community are parties to the Treaty, which has served well the security, technical cooperation and nuclear trade interests of the Asia-Pacific region for the past two decades. The Treaty has become the centre-piece of efforts to prevent the spread of nuclear weapons to additional countries and provides the essential framework for international trade and cooperation in the peaceful uses of nuclear energy.

The international nuclear non-proliferation regime in essence consists of two pillars: the Treaty itself; and the views and practices of the Treaty parties in the implementation of their Treaty obligations as they have developed since the Treaty entered into force some 20 years ago. The NPT Review Conference process has been the foundation-stone of this second pillar. Despite the inability of the Second and Fourth Review Conferences to reach agreement on a final document, the Review Conference process has embodied the international community's evolving view of what constitutes responsible international behaviour in the nuclear field.

It is at this point that I would like to address the view that the Treaty is now somewhat dated. In my view the only part of the Treaty of which this could be said is article V, which deals with so-called peaceful nuclear explosions. The rest of the Treaty is as relevant today as the day it was signed, including the much maligned article VI. Even if one takes the view that the text of the Treaty is dated in parts, I would argue that this may not be all that important: Treaty interpretation is, after all, based on two elements – the text of the Treaty and State practice. The Review Conference process has played a major role in the development of the latter, and indicates that the Treaty is of increasing relevance to the vast majority of States in the international community.

Looking back at the outcome of the Review Conferences over the past two decades, we find that a number of trends have become clear. Amongst these are:

- The widespread and increasing recognition of the importance of the NPT for international security: in particular, growing support for the IAEA safeguards system;
- The increasing support for, and finally agreement at the most recent Review Conference on, the principle of full-scope safeguards as a necessary condition for new nuclear supply. This is a new and historic benchmark for responsible behaviour in international nuclear trade and a vital further measure in efforts to prevent the spread of nuclear weapons. The small number of nuclear suppliers which do not yet require this condition should do so as soon as possible;
- The steep decline in interest in so-called peaceful nuclear explosions, particularly since the Chernobyl incident in 1986;
- The urgent need for the nuclear-weapon States to keep their part of the NPT bargain through more rapid progress in nuclear arms control and disarmament. The conclusion of the INF Treaty in 1987 by the United States and the Soviet Union is welcome but more needs to be done. The two super-Powers should conclude the START agreement and commence follow-up negotiations (START 2) leading to further deep cuts in their strategic nuclear arsenals as soon as possible. There is, in the view of the overwhelming majority of the international community, an urgent need for a comprehensive test-ban treaty, as called for in the preamble to the NPT and in the partial test-ban Treaty. It is perhaps also time to revisit earlier proposals by both super-Powers for a "cut off" in the production of fissionable material. If for some reason this is not possible, then at the very least they should agree to withdraw surplus fissile material arising from arms reduction agreements from the military cycle and place it in appropriate form in the civil cycle under appropriate safeguards.

It has also become apparent that we must work to ensure a successful outcome to the extension conference in 1995, which will review the Treaty for a fifth time and make a decision on the Treaty's extension. We must all work for a lengthy, or preferably an indefinite, extension of the Treaty. The fact that review conferences have traditionally conducted business by consensus does not necessarily indicate that it is open to any one party to veto any final agreement on extension in 1995: article X, for example, provides that the question of extension will be decided by a majority of States parties and not by consensus.

If effort is not directed to preventing proliferation, the 1990s may see pressures not only towards further nuclear proliferation but also towards chemical, biological and missile proliferation. The Middle East war and continuing concerns about nuclear proliferation in the Middle East and South Asia and on the Korean peninsula have underlined the urgent need to intensify action to prevent nuclear proliferation. It would be the supreme irony if the progress which is beginning to be made between the super-Powers were accompanied in the next few years by a proliferation of other countries acquiring nuclear weapons. In this context there are a number of possible actions open to regional countries and they may wish to consider:

- Working to keep the Asia-Pacific region free of nuclear proliferation measures;
- Finding opportunities for periodic informal consultations on these issues over the next four years to help ensure that the region's important interests are protected;
- Acceding to agreements such as the Convention on the Physical Protection of Nuclear Material and the NPT itself if they have not already done so;
- Concluding, for those NPT parties that have not yet done so, the requisite safeguards agreement with IAEA. In this respect it would be a significant boost to non-proliferation in our region if the Democratic People's Republic of Korea, which has significant unsafe-guarded facilities on its territory, would conclude the requisite full-scope safeguards agreement with IAEA.

As for Australia, the NPT is vital for our national security, a major element of our nuclear arms control policy, and the basis of the strict bilateral nuclear safeguards policy applied to our exports of uranium. Australia sees the NPT as a permanent feature of the international security framework and is committed to its continuation in force indefinitely after 1995.

The Partial Test-Ban Treaty and its Amendment Conference

Don J. MacKay

Two of the previous speakers have dealt with nuclear non-proliferation and with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). They have mentioned the issue of a comprehensive ban on nuclear testing, which has become a major issue in the context of the non-proliferation Treaty. The pressure for a comprehensive test ban has also arisen in other United Nations forums, including the First Committee of the General Assembly, the Disarmament Commission and the Conference on Disarmament. Last year the Conference on Disarmament saw the re-establishment of its *Ad Hoc* Committee on a Nuclear Test Ban, after a hiatus of eight years or so. The re-establishment of this Committee was the result of strenuous efforts on the part of Japan. At this stage, however, the Committee's mandate does not allow it to enter into negotiations as such on a nuclear-test ban. Work has also been done on the issue of seismic verification of a test ban in a group of scientific experts working in Geneva under the auspices of the Conference on Disarmament.

Most recently, the issue of a comprehensive test ban has come up in another context, that of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water – the partial test-ban Treaty (PTBT). The partial test-ban Treaty, which was concluded in 1963, prohibits all nuclear testing except that conducted underground. It also prohibits underground testing if venting releases radioactive material beyond the borders of the testing State. The Treaty was initially concluded between the United States, the United Kingdom and the Soviet Union, which were the original parties to the Treaty and which also exercise depositary functions under the Treaty. It was a product of unsuccessful efforts in the early 1960s to negotiate a comprehensive test ban among those three countries. In fact, it seems

Don J. MacKay is Director of the Disarmament and International Security Division of the Ministry of External Relations and Trade of New Zealand.

This text is an abbreviated version of the statement made at the Conference.

that they came very close to agreeing upon a comprehensive test ban but failed to agree on aspects of verification. The Treaty now has 117 parties but there is a major omission in it, in that France and China are not party to it although both stopped atmospheric testing in the 1970s.

Also significant is the commitment of the original parties in the preamble to the Treaty, as well as in article 1, that they will seek to achieve the discontinuance of all test explosions of nuclear weapons for all time, including underground tests, and that they will continue negotiations to that end.

As a reflection of the frustration in the international community over the failure of the nuclear-weapon States to make real progress towards a comprehensive test ban, a group of six countries (including Indonesia and Sri Lanka from this region) proposed in 1989 that a conference be convened to amend the partial test-ban Treaty to convert it into a comprehensive test-ban treaty. The Treaty does in fact provide for an amendment mechanism, with the depositaries being required to call an amendment conference if requested to do so by more than one third of the parties to the Treaty. This requirement was subsequently met by the countries which had initiated the amendment proposal. There is however another crucial element in the amendment process, as provided by the Treaty. Adoption of any amendment must be approved by a majority of all parties to the Treaty *including* the three original nuclear-weapon parties (the United States, the United Kingdom and the USSR).

The United States and the United Kingdom made it clear from the beginning that they would not agree to amend the Treaty to convert it into a comprehensive test-ban treaty. This reflected their substantive opposition to the conclusion of a comprehensive test ban at this time. A number of other countries also had reservations about the proposed amendment conference, even though many of them supported the immediate conclusion of a comprehensive test ban. Their concerns included the possibility that the conference might set back the prospects for a comprehensive test ban, inasmuch as it would not achieve its stated purpose of amendment owing to the clear opposition of two of the original parties. Other concerns included the possibility that the conference process might undermine the work being done in the Conference on Disarmament by setting up a competing forum in which the test-ban issue would be discussed, and the fact that not all nuclear-weapon States would be represented at the Conference (as noted previously, France and China are not parties). Probably the most serious concern, however, was the apparent linkage being drawn by some States between the successful conclusion of the amendment conference on the one hand, and the outcome of the NPT Review Conference, which was to be held in August-September 1990. It must be said however that the great majority of States parties to the Treaty did not share these reservations and were fully in support of the amendment initiative.

With one third of the States parties supporting the convening of the conference, the depositaries initiated the convening process. This in itself was the source of considerable difficulty as the Treaty does not set out the precise modalities to be followed in the circumstances. Issues arose as to how the Conference would be financed – whether the United Nations scale of contributions would be followed, for example – and as to whether the depositaries could act unilaterally in determining matters such as the timing and venue of the conference or needed to act in consultation with the other parties. These matters were eventually resolved, and an organizational meeting was held in New York in June 1990 to finalize procedural matters for the Conference. Contrary to general expectations, that meeting went extremely smoothly, without the confrontation and controversy which many countries had anticipated. It was regarded as establishing a very positive basis for work at the Conference itself. On the other hand, the subsequent failure of the non-proliferation Treaty Review Conference to produce a final document when it met in August-September 1990 undermined, to some extent, the positive basis which had been established by the organizational meeting.

The Amendment Conference itself was held in New York in the first two weeks of January this year. It was clear from the very beginning of the Conference that, in the light of the opposition of two of the original parties, there was never any serious prospect of the amendment's being put to the vote. Instead, the Conference took on the nature of a review of progress towards a comprehensive test-ban treaty and of the obstacles in its way. This in itself can be seen as a useful process in that, unlike other arms control treaties, the PTBT does not provide for a specific review process. This Amendment Conference was therefore the first occasion in some 27 years in which the parties to the Treaty had come together to discuss these matters. The Conference was extremely fortunate to be presided over by Foreign Minister Ali Alatas of Indonesia. His presence and role at the Conference played a major part in avoiding the confrontation which had been feared between the States in favour of nuclear-testing and those strongly pressing for a comprehensive test ban.

The first week of the Conference was taken up with general statements from over 60 delegations. These showed an overwhelming level of support for a comprehensive test ban. On the other hand, the United States and the United Kingdom remained firm in their opposition to the early conclusion of a comprehensive test-ban treaty, arguing that as long as they were dependent on a nuclear deterrent they needed the ability to test their weapons for the purposes of upgrading them and ensuring their reliability and safety. This position also received support from some other delegations. The third nuclear-weapon State party to the Treaty, the Soviet Union, said that it would support an amendment.

The beginning of the second week was taken up with more specific discussion of the proposed amendment and its verification protocol. There was also discussion of a number of papers on the issue of verification which had been submitted by countries in response to an invitation by the organizational meeting to do so. These papers included a joint paper from New Zealand and Australia which argued that it was now possible to verify a comprehensive test ban through a combination of seismic and other methods.

Much of the second week however was also taken up with consultations on what, from the early stages of the Conference, was clearly going to become the major issue: namely the extent to which there would be an ongoing mechanism to follow up the work of the Conference. The six original proponents of the amendment, with support from the non-aligned States parties, wanted a clear decision to reconvene the conference at a definite date. However, some other countries, including the United States and the United Kingdom, took the firm position that there should be no formal continuation of the amendment conference process, on the grounds that it could serve no useful purpose. The President of the Conference tackled this issue by holding individual consultations with a number of delegations in the early part of the week. On the basis of these consultations a draft statement was produced which, among other things, dealt with the issue of continuation of the conference process. This draft noted that, given the complex nature of various aspects of a comprehensive test ban, especially those regarding verification and possible sanctions against non-compliance, "the States parties were of the view that further work needed to be undertaken". Accordingly, the President would be mandated "to conduct consultations with a view to achieving progress on those issues and resuming the work of the conference at an appropriate time".[1] This form of words drew a compromise between the position of the non-aligned countries – which wanted the Conference to be reconvened no later than September 1993 with an intersessional working group of 15 to 20 States being established to continue work on verification in the meantime – and the opposing position, which wanted no formal follow-up whatsoever.

This proposal did not however prove acceptable to the United States and the United Kingdom. Accordingly, the Conference President arranged for Indonesia to convene a small group of representative States in an endeavour to find another compromise which would be acceptable to all. After considerable hard bargaining, this small group did in fact come up with a formula which, initially anyway, appeared to offer some prospect of success. This involved dealing with the less contentious issues in a conference declaration, and with the more contentious issues in a presidential statement. This statement would deal with the follow-up issue, with it being proposed simply that the President "undertake consultations with States parties with an objective of reviewing the progress in the overall CTB process, including that of the field of verification, and of seeking the views of States parties, concerning further actions to be undertaken by them". Unfortunately, however, the initial promise offered by this proposal was not to be fulfilled, with countries from both ends of the spectrum having difficulty with it. It thus became clear at this stage that there was no real prospect of an agreement being reached, acceptable to States at both ends of the spectrum, upon the follow-up issue.

In this situation the proponents of the conference faced the alternative of putting either the non-aligned position or the President's text to the vote. They decided – wisely in my view – to adopt the latter more moderate course on the basis that the President's text had the greater prospect of drawing support from moderate members of the Western group. This indeed proved to be the case, and when put to the vote on the final evening of the conference the President's text was adopted by 74 votes in favour with 2 votes against and 19 abstentions.

The Conference has served to bring the issue of a comprehensive test ban into prominence once again amongst participating States. Its proponents see the outcome as providing an additional means of putting pressure on the States in favour of nuclear testing. Non-governmental organizations can also be expected to use the outcome to place their own pressure on the testing States. On the other hand, their objective of using the Conference to focus American public attention on the testing issue was probably not met, partly because it was overshadowed by the situation in the Persian Gulf.

Obviously, the testing issue will continue to have some international prominence and will continue to be pressed vigorously by many countries. Some countries however are approaching this issue with an eye to 1995, when a conference will be convened to decide upon the extension of the Treaty on the Non-Proliferation of Nuclear Weapons. They are attempting to place pressure on the nuclear-weapon States to stop testing by linking the achievement of a comprehensive test ban with the outcome of the decision which will be taken on the extension of the NPT. My own view—which I appreciate may not be shared by all present here—is strongly against any such linkage. While all of us here support the achievement of a comprehensive test ban, we all have an incontrovertible stake in the continuation of the NPT. Any weakening of that regime and any spread of nuclear weapons beyond the States which have them already will undermine the security of this region in ways we cannot imagine. Five nuclear-testing States is bad enough—but a proliferation of nuclear-weapon States would be much worse. We simply cannot afford to take that risk.

Notes

1. See *Report of the Amendment Conference of the States Parties to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water*, New York, 7-18 January 1991, p.4 ("Decision of the Conference") and "Summary record of the 9th meeting" of the Conference.

Chemical and Biological Arms Control and Disarmament: An Overview

John Gee

Introduction

In the modern era, attempts at chemical disarmament and arms control are as old as arms control itself. The Declaration concerning Asphyxiating Gases was one of the first arms control agreements of the modern era. Concluded at the International Peace Conference in The Hague in 1899, its effect was to impose restrictions on the use of asphyxiating gases in warfare.[1] The use of poison or poisoned weapons was forbidden by regulations attached to the 1899 Declaration (also referred to as the Convention) and to the successor document adopted by the 1907 Hague Conference.

Although chemical weapons had been used many times prior to 1914, it was not until the First World War that chemistry and military science and technology had developed to the point where chemicals could be used as weapons in a way that was militarily significant. That conflict saw the use of chemical weapons on an enormous and unprecedented scale. The first documented use – essentially of irritants – was by the Germans at Neuve Chapelle in October 1914. The most spectacular example was the Germans' use of chlorine gas released from cylinders at Ypres in April 1915, which achieved strategic advantage by knocking a 9-km-wide hole in the Allied lines.

The use of chemical weapons escalated thereafter. In December 1915 the German Army introduced the use of phosgene gas and utilized delivery systems based on artillery shells, trench mortars, bombs and projector drums. A major escalation occurred at Ypres in July 1917 when the Germans attacked with mustard gas, a blistering agent as well as an irritant.

Thus while the early chemical warfare agents were simple both in terms of sophistication and method of delivery, by the end of the First World War the science of chemical warfare had made enormous strides,

John Gee is Director of the Chemical and Biological Disarmament Section of the Department of Foreign Affairs and Trade of Australia.

in terms of the agents used, the technology employed, and the tactical and strategic handling of them.

The widespread use of chemical weapons in the First World War and the traumatic effect they had on their victims (they caused over 1 million casualties, including over 100,000 deaths) evoked strong condemnation and widespread feelings of horror and repugnance, attitudes which may have derived in part from long-held reservations about the use of weapons that employed poison. Many military theorists in the 1920s and 1930s were gravely concerned about the combined use of airpower and chemical and biological weapons, which they saw as posing an unprecedented threat of mass destruction to large population centres.

Attempts to control chemical weapons in the period immediately after the First World War, however, were fitful. The victorious Allies decided to reaffirm, in the Versailles Treaty, the prohibitions in the Hague Convention of 1899 and to forbid Germany to manufacture or import chemical weapons. Similar provisions were included in the peace treaties with Austria, Bulgaria and Hungary. The 1922 Washington Disarmament Conference introduced a similar provision into a treaty on submarines and noxious gases.[2]

The 1925 Geneva Protocol

The next step in this process was the conclusion, in Geneva on 17 June 1925, of the Geneva Protocol,[3] which forms the basis of the modern chemical arms control regime. The Protocol prohibits the use of poisonous and asphyxiating gases and of bacteriological weapons. It thus restated the prohibitions in the Versailles and Washington Treaties and, in addition, banned the use of bacteriological warfare.

With the exception of Japan and the United States most major Powers had ratified the Protocol by the outbreak of the Second World War. When ratifying the Protocol many States – including the United Kingdom, France and the USSR – entered reservations to the effect that the Protocol would cease to be binding on them if they were attacked with chemical weapons. Some also entered a reservation to the effect that they would be bound by the Protocol only in relation to other parties. The fact that many of the parties to the Protocol entered such reservations upon ratification or accession has led many to argue that the prohibition on use in the Protocol is not absolute and that the Protocol is therefore in effect only a "no first use" instrument.

The incidence of the use of chemical weapons since the conclusion of the Protocol has been comparatively low. The Italians used chemical weapons in Abyssinia in 1935-1936, the Japanese in China in 1937-1945,[4] the Egyptians in the Yemen in 1963-1967, and the Iraqis in the Iran-Iraq war from 1984 onwards. Only in the first and last cases did the user obtain significant military advantages through the use of chemical weapons.

In the Second World War the major belligerents stockpiled chemical weapons – principally mustard gas[5] – but, with the exception referred to above, did not use them. The belligerents were deterred from use by a combination of factors: existing moral and legal restraints, opposition to the use of chemical weapons by some political leaders, the existence of the other side's retaliatory capability, and doubts about their military cost-effectiveness. Over the past decade there have been a number of allegations of the use of chemical weapons – in Afghanistan, Indo-China, the Gulf, Central America and Angola – but with the notable exception of Iraq's use of chemical weapons in the Iran-Iraq war, which was verified by an independent United Nations investigation, none of these have been substantiated.

In legal terms, the scope of the 1925 Protocol is unclear because of the many reservations that have been made to it. The comparatively low use of chemical weapons since the Protocol was concluded, coupled with statements by many Governments that use of chemical weapons is contrary to international law, strongly suggests at the very least the existence of a customary norm prohibiting the first use of toxic or highly toxic chemical agents. While it is not yet possible to assert the existence of a prohibition on the "second" (that is, retaliatory) use of chemical weapons in customary international law, in my view any State which becomes a party to the Protocol without reservation accepts a conventional obligation never to use chemical weapons in any circumstances.

There has also been disagreement as to whether the Protocol applies to the use of riot control agents (RCAs) and herbicides. For this and other reasons (the long-term effects on the environment and on human beings), the use by the United States of herbicides and riot control agents during the war in Viet Nam was the source of much controversy in the 1960s, which lingers on today. Some parties to the Protocol – including Australia, the United States and the United Kingdom – hold the view that the Protocol does not apply to these agents. On the other hand, a 1969 report by the United Nations Secretary-General, issued when the controversy was at its height, recommended, *inter alia,* a clear affirmation that it covered the use in war of all chemical and biological weapons, including tear gas and other harassing agents.[6] In that same year the General Assembly adopted resolution 2603 A (XXIV) condemning as contrary to international law the use in international armed conflict of all chemical and biological agents (the vote of 80 to 3, with 36 abstentions, fell short of a unanimous endorsement of this view by the international community). The way in which the problem of herbicides should be addressed in the comprehensive chemical weapons convention currently being negotiated in the Conference on Disarmament in Geneva (see below) remains to be finally settled, but the rolling text of the draft convention[7] contains the following suggested language:

> "Each State party undertakes not to use herbicides as a method of warfare; such a prohibition should not preclude any other use of herbicides."

Unlike most modern multilateral arms control agreements, the Protocol contains no provision for a review by the States parties of its operation, although the Conference called by France (the depositary Power) in January 1989 (see below) of "States parties to the Geneva Protocol of 1925 and other interested States" functioned in many ways as an informal review mechanism.

Finally, there is the question of verification of compliance with the provisions of the Protocol. The 1925 Protocol, in common with many of the arms control agreements of its time, contains no verification provisions. For much of the Protocol's existence this was not a problem, as instances of use were few and clear-cut: but when in the early 1980s the United States accused the Soviet Union and its allies of using chemical and biological weapons in Afghanistan and Indo-China in violation of the Protocol, there was no mechanism by which these charges could be independently assessed.

In this climate the United Nations General Assembly began to play an increasingly prominent role in the international community's response to these and other allegations of the use of chemical weapons (that is, violations of the 1925 Protocol) and its efforts to strengthen the international norms against the use of chemical weapons and to uphold the authority of the Protocol. In accordance with the request made by the United Nations General Assembly in its resolution 35/144 C of 12 December 1981, the Secretary-General conducted an investigation of the United States allegations.

The findings of his Group of Experts to Investigate Reports on the Alleged Use of Chemical Weapons, which submitted its second and final report[8] in November 1982, were inconclusive.

One month later, on 13 December 1982, the General Assembly adopted resolution 37/98 D, in which in essence it requested the Secretary-General to do three things: to hold himself in readiness, with the assistance of suitably qualified experts, to investigate any allegations of the use of chemical or biological weapons that might be made; to compile a list of experts and laboratories to assist in any such investigations; and to devise, with the assistance of suitably qualified experts, appropriate fact-finding procedures. Not surprisingly, resolution 37/98 D was the source of considerable controversy. The Soviet Union and its allies opposed it on the grounds that the effect of the measures called for in the resolution would be to establish a verification regime for the Protocol and that such a step was for the parties to the Protocol, not the General Assembly.[9]

Because of the controversy surrounding the adoption of resolution 37/98 D, the United Nations team sent to Iran in 1984 to investigate Iran's allegations of the use of chemical weapons in the Iran-Iraq war was dispatched by the Secretary-General on his personal initiative as a humanitarian measure and not pursuant to resolution 37/98 D, although many continued to hold to the view that the resolution provided an appropriate mandate for such investigations.

In the wake of the unequivocal evidence of the use of chemical weapons in the Gulf War, the United Nations General Assembly has for a number of years adopted by consensus resolutions designed to uphold the authority of the 1925 Protocol. The cumulative effect of these resolutions had been to condemn all actions that violated or threatened to violate the Protocol; to call on all States (that is, not just States parties to the Protocol) to observe its principles and objectives; to request the Secretary-General to develop, with the assistance of suitably qualified experts, technical guidelines and procedures for the timely and efficient investigation of reports of possible use of chemical and biological weapons; and to endorse the experts' work.[10]

Thus, for all its imperfections, the 1925 Geneva Protocol remains, in the view of the international community, the foundation-stone of the modern chemical arms control regime. It now has 123 adherents, which makes it the second most widely adhered to arms control treaty in existence.[11] Only 39 of these, or about one third in all, entered a reservation of any kind when ratifying or acceding to the Protocol, and five of these reservations – Ireland in 1972, Australia in 1986, New Zealand in 1989, Czechoslovakia and Mongolia in 1990 – were subsequently withdrawn. Since some 82 of these accessions to the Protocol took place post-1960, with only 31 reserving the right to retaliate,[12] a case can be made that international opinion is moving in favour of those who hold that the prohibition on the use in the Protocol is absolute. (It is unfortunate therefore that, when acceding to the Protocol on 4 January 1989, both the Republic of Korea and the Democratic People's Republic of Korea entered reservations with regard to the right to retaliate.)

It is also clear, unfortunately, that a number of countries do not accept this view. The right to retaliate in kind was implicit in the 1987 French proposal for the preservation of "security stocks" pending complete chemical disarmament. The United States has, only just recently in the context of the possible use of chemical weapons in the Gulf War, reiterated the right to retaliate in kind if attacked with chemical weapons.

The current situation

Biological weapons

The major focus of disarmament in the period immediately after the Second World War was on nuclear weapons. At that time chemical and biological weapons were usually dealt with together in the context of proposals to ban weapons of mass destruction and of proposals for general disarmament.

By the late 1960s, however, the view had developed that biological weapons posed less of a problem than chemical weapons, and that it should be possible to deal with them separately. In November 1969, following a review of the United States policy on chemical and biological weapons, President Nixon declared, *inter alia,* that the United States unconditionally renounced all methods of biological warfare. These developments paved the way for the biological weapons Convention, which was opened for signature in 1972 and which came into effect in 1975.[13] The Convention prohibits the development, production, stockpiling, acquisition and retention of toxin and biological weapons and requires States parties to destroy or divert to peaceful purposes all biological and toxin weapons under their control. It also provides for cooperation in the peaceful use of biological agents and toxins.

In the early 1980s in particular, there were a number of allegations of the illegal production, retention and use of biological weapons. In 1980, at the First Review Conference of the Convention, the United States charged that an outbreak of anthrax in the Soviet city of Sverdlovsk in 1979 indicated the existence of a clandestine Soviet offensive biological weapons programme and hence a violation of the Convention. It subsequently also charged the Soviet Union and its allies with violating the Convention through the use of mycotoxin weapons in Indo-China and Afghanistan (the so called "Yellow Rain" issue). The Soviet Union denied both allegations and they were never satisfactorily resolved, but it is of interest that, in the age of *glasnost*, a number of articles have recently appeared in the Soviet press calling on the Soviet authorities to clear up, once and for all, the uncertainties surrounding the "Sverdlovsk incident".[14]

Subsequently, there were suggestions that advances in biotechnology such as genetic engineering, recombinant DNA and cell fusion were under investigation for possible use in the development of new biological weapons. More recently, there have been suggestions that a number of countries are re-examining the military utility of biological weapons.

It is noteworthy that in an otherwise carefully drafted and comprehensive document the measures for verification in the biological weapons Convention fall far short of what would be considered necessary today. Parties may raise concerns about compliance with requests of the Security Council, which may, if it chooses, conduct an investigation, but that is all. This defect was partially rectified at the Second Review Conference of the Convention in September 1986 which, responding to widespread calls for more openness by States parties about their activities, recommended the establishment of an extensive system of data exchange on the permitted use of pathogenic organisms by States parties. In addition, there have been suggestions for a number of years that the biological weapons Convention should be amended – perhaps by the negotiation of an additional Protocol – to provide a mechanism for adequate verification of compliance with its provisions.

Negotiations on the chemical weapons convention

The biological weapons Convention reaffirmed the prohibition on the use of chemical and bacteriological weapons contained in the 1925 Protocol and exhorted all States parties to work towards the early completion of a comprehensive convention which would outlaw chemical weapons. For nearly 20 years, and particularly over the last six to seven years, the Conference on Disarmament in Geneva and its predecessor bodies have been actively engaged in the negotiation of such a convention. The intention is that the convention, when it comes into force, will ban the development, production, stockpiling, transfer and use of chemical weapons. It is a measure of the complexity of that task that this convention has not yet been concluded.

Negotiations have reached an advanced stage: the rolling text of the draft convention,[7] which now comprises over 200 annotated pages of main text and annexes, is abundant proof that this is the most complicated disarmament process ever attempted. The conceptual framework of the convention is already substantially settled, and many of its detailed provisions have already been elaborated.

United States-Soviet Agreement of June 1990

On 1 June 1990 at the United States-Soviet summit meeting, President Bush and President Gorbachev signed a bilateral agreement on the destruction and non-production of chemical weapons. Under this Agreement,[15] both sides would immediately cease production of chemical weapons and begin destruction of their stockpiles by the end of 1992, proceeding in such a way that each side would have destroyed 50 per cent of its chemical weapons by the end of 1999 and further reduced its stockpile to 5000 agent tons by 2002. As the destruction of chemical weapons is a vital element of the chemical weapons convention, this commitment, in advance of the conclusion of the convention, to destroy stocks is a very positive development.

The Agreement further provides that, once the convention enters into force, the two would reduce their stockpiles down to 500 agent tons each by the eighth year after the entry into force of the convention. At this point, however, a complication arises. The two sides have proposed that, at this stage, there should be a special conference of States parties to the convention to determine whether adherence to the convention had been sufficient for proceeding to the elimination of remaining stocks of chemical weapons by the end of 1991. They would thus in effect be able to veto any further destruction. The United States and the Soviet Union are the only two States so far to have declared their possession of chemical weapons. While the declared aim of the proposal was to encourage those States possessing chemical weapons to declare that fact, in effect the provision as it now stands would give the two super-Powers the right of veto over the final implementation of the convention. This is an unfortunate complication for current efforts to conclude the convention and, on these grounds, this aspect of the agreement has been widely criticized.

Chemical-weapon-free zones

By comparison with the many proposals to establish nuclear-weapon-free-zones (NWFZs) in various parts of the world, there have been few proposals for the establishment of chemical-weapon-free zones (CWFZs). To a very large extent this reflects the prevailing international consensus that such measures are unnecessary as a global solution to the problem of chemical weapons is both desirable and achievable. Only one chemical-weapon-free-zone proposal has been vigorously pursued in recent years: the proposal by the former German Democratic Republic in the early to mid-1980s for a chemical-weapon-free zone in Central Europe, a proposal which was rejected by the West.

The recent proposal by Egypt, however, for a zone in the Middle East free from weapons of mass destruction raises the possibility of a regional disarmament measure which could include chemical and biological weapons. A further encouraging development in recent weeks has been joint action to ban chemical weapons in Latin America. While it is intended as a confidence-building measure, it is an example of how regional approaches can supplement other wider multilateral approaches when they enjoy the support of those directly concerned.

The spread of chemical weapons

The chemical weapons stockpiles of the defeated Axis powers were disposed of at the end of the Second World War, and many other countries which had either possessed chemical weapons or had them stored on their territory also disposed of their stocks.[16] By 1969, when the United Kingdom announced that it was unilaterally destroying its stocks of chemical weapons and the United States announced that it was halting production while retaining some of its existing stockpile, it was assumed that only three nations – the United States, the USSR and France – possessed chemical weapons.[17]

Today it can no longer be stated with certainty that there are only three countries which possess chemical weapons. Precisely how many countries do possess chemical weapons in 1991 is a contentious issue amongst analysts, but whatever the real figure, most analysts agree that it is more than three. Efforts to conclude the convention seem to be in a race against the growing perception on the part of many countries that chemical weapons, which are easy for any country with a well developed chemical industry to manufacture, may after all be more useful than was previously thought. It is by no means certain that the convention is winning.

In this situation and in response to the clear violation of the 1925 Protocol through the use of chemical weapons in the Iran-Iraq war, Australia and a number of other countries have seen a need for interim measures designed to uphold the authority of the 1925 Protocol pending conclusion of the chemical weapons convention. I will now describe the measures we have taken, in concert with others.

Interim measures

The Australia Group

The Australia Group was established in 1985 on the basis of the shared concern of a number of Western countries about the spread of chemical weapons. They saw a need to promote and harmonize the export control regimes of countries in which the main precursor chemicals were manufactured, in order to ensure the effectiveness of the controls and to minimize commercial disadvantage.

The Group has now grown to 20 countries plus the European Community, although it remains an informal consultative group. Participating countries have introduced controls on the export of certain chemicals with a view to ensuring that exports from their countries do not contribute to the problems of the spread of chemical weapons and chemical warfare. They have also provided their chemical industries with a "warning list" of chemicals of relevance to the manufacture of chemical weapons, but not subject to export controls, so that industry itself may take preventive measures. And in the past year, the Australia Group has broadened its ambit beyond chemical weapons precursors to equipment required for the manufacture of chemical weapons and to materials required for the manufacture of biological weapons.

There is evidence that the export control systems of Australia Group members have had an impact on the problem at which they are directed. There are indications that would-be proliferaters have had to try to find alternative routes to materials they are endeavouring to make, or have had to try to obtain their desired precursors from countries that do not belong to the Australia Group. Clearly, the measures taken by countries members of the Australia Group would be even more effective if similar measures were introduced by all potential exporters of relevant chemicals and by countries of possible transhipment.

An approach based solely on export controls is not, however, a solution for the longer term. Most of the chemicals involved in the manufacture of chemical weapons are reasonably readily available and some are widely traded for non-weapons purposes. At best, a non-proliferation regime may buy time but will not provide a permanent solution. Early conclusion of, and widespread adherence to, the comprehensive global convention is the only long-term solution to the problem of the spread of chemical weapons.

Involvement of industry

Australia has also long been concerned to ensure that the views of the chemical industry, whose cooperation will be essential to the implementation of the convention, are taken into account in the negotiations.

The Australian Government, in common with many Governments, has had a constructive partnership on chemical weapons issues with its domestic chemical industry which go back now for many years. Our chemical industry has cooperated with us fully in matters such as trial inspection of chemical facilities to test inspection procedures that will be employed under the convention, and with advice on the important issue of commercial confidentiality and on the nature of controls on the export of chemicals which can be used in the manufacture of chemical weapons.

Australia has also devoted a great deal of attention to the international chemical industry. In September 1989, Australia hosted the first Government-Industry Conference against Chemical Weapons. It was conceived by the Australian Government as a means of giving practical momentum to the negotiations of the Conference on Disarmament for a chemical weapons convention, and of paving the way for its early implementation. The initiative for the Conference came from the perception that such a convention, if it is to be effective, will need to be designed and implemented with the support and assistance of the international chemical industry. In a successful meeting, marked by a positive, constructive atmosphere, the groundwork was laid for continued government-industry dialogue, both nationally and internationally, and the view that a workable, verifiable convention was within reach attained widespread currency. (Annex I contains more details of this process.)

Australia is naturally pleased to see that its chemical weapons regional initiative has encouraged countries in other regions to pursue similar initiatives. The Quakers organized a seminar in the Middle East on chemical weapons issues early in 1990. Venezuela is endeavouring to organize a chemical weapons regional initiative for Latin America later this year and Nigeria will host a similar exercise for African countries next month.

Paris Conference

Other Governments have also taken initiatives to hasten the conclusion of the convention. Perhaps the most noteworthy of these, in addition to the measures recorded above, was the Conference on the Prohibition of Chemical Weapons hosted by the Government of France in Paris in January 1989. The objectives of the Conference were to reaffirm the longstanding norm against the use of chemical weapons embodied in the 1925 Geneva Protocol and to give political impetus to the negotiations on the chemical weapons convention in Geneva. The Conference was successful in raising the profile of chemical disarmament issues and in giving political impetus to the negotiations. In addition, several countries of the region – Laos, Brunei, the Democratic People's Republic of Korea and the Republic of Korea – announced their adherence to the Protocol and New Zealand withdrew its reservation.

The future

There is widespread agreement that, given the necessary political impetus, the remaining issues in the negotiations on the chemical weapons convention could be resolved quite quickly and the convention concluded within the next 12 to 18 months. A meeting of members of the Conference on Disarmament at the level of foreign minister has been proposed for later this year. Its objective would be, in essence, to give the negotiators their final instructions in relation to resolving the outstanding issues. Australia strongly supports the convening of such a meeting.

Scope for future action by countries of the region

Our prime objective remains the conclusion of the convention on chemical weapons, but I would like to suggest that, pending the conclusion of the convention, there are a number of steps that countries of the region could take to strengthen the existing norms against chemical and biological weapons. In particular, regional countries might wish:

- To strengthen existing arms control agreements on chemical and biological weapons. Some regional countries are not yet full parties to the 1925 Protocol or to the biological weapons Convention. They may wish to consider becoming so;
- To participate actively, if a party to the biological weapons convention, in the Third Review Conference of the biological weapons Convention due to be held in September 1991;
- To acquaint themselves with the progress in the negotiations in Geneva and, where necessary, contribute to its work. Though

few regional countries are members of the Conference on Disarmament it is open to non-members to participate in the work of the Conference as observers. (Norway and Finland, though not members of the Conference have made significant inputs into the negotiations over the years in this way.);

- To consider ways in which their chemical industries could be kept acquainted with progress in Geneva and to consider ways in which their own industries could have an input into the negotiations, either through their own governments or through the international industry forum;
- To commence measures now to enable them to implement its provisions on a national basis as soon as it enters into force. The provisions of the draft convention are quite complex, and national implementation will require considerable preparation. The ultimate objective would be to become an original signatory to the convention when it is concluded and opened for signature and so hasten its acceptability to the international community;
- To consider what measures they might adopt to ensure that they do not inadvertently contribute to the spread of chemical weapons. India's imposition of export controls on chemical weapons precursor chemicals is an example of action that might be considered in this regard;
- To support France's call for a meeting at the ministerial level later this year to give further political impetus to the negotiations.

Final thought

The Gulf War and the threat of the use of chemical weapons there have cast a shadow over the negotiations on the chemical weapons convention in Geneva. It is not possible at this stage to predict the outlook for the negotiations or for international efforts to halt the spread of chemical weapons, but with the understandable preoccupation of policy makers everywhere with the Gulf crisis, there is a risk that the urgent need to conclude the convention will be overlooked. It would be ironic if this short-term preoccupation with Iraq, whose actions most vividly illustrate the pressing need for the convention, were to lead us to lose sight of the very desirable long-term objective of the early conclusion of the convention and of universal adherence to it.

Notes

1. The Declaration actually prohibited "the use of projectiles the sole object of which is the diffusion of asphyxiating or deleterious gases", that is, it was not a ban on the use *per se* of chemical weapons.

2. That treaty never entered into force, however, since it required ratification by France, which France declined to provide.

3. The Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare.

4. Japan was not a party to the Protocol at that time. It acceded to the Protocol on 21 May 1970. Italy, Iraq and Egypt were all parties to the Protocol when they used chemical weapons. The principal agents used were mustard gas and hydrogen cyanide; Iraq's use of tabun was the first documented use of nerve gas in warfare.

5. The Germans had developed nerve gases in the late 1930s and stockpiled them during the Second World War. The British also conducted research on nerve agents at that time.

6. Some of those opposed to this approach argued, *inter alia,* that it was for the parties to the Protocol and not any other body, to interpret its provisions. Others argued that it was inappropriate for the General Assembly to interpret treaties by resolution.

7. The latest text of the draft convention is given in the report of the Conference on Disarmament to the General Assembly *(Official Records of the General Assembly, Forty-fifth Session, Supplement No. 27* (A/45/27), chap. III, D (pp. 67 ff).

8. General Assembly document A/37/259, annex.

9. There is a parallel between this and the dispute a decade earlier over the scope (that is, riot control agents and herbicide) issue: see footnote 6.

10. See, for example, resolution 42/37 C of 30 November 1987; resolution 43/74 A of 7 December 1988; resolution 44/115 B of 15 December 1989; and resolution 45/57 C of 12 December 1990.

11. The arms control agreement most widely adhered to is the Treaty on the Non-Proliferation of Nuclear Weapons. As at 1 January 1991, the NPT had 141 adherents.

12. Twelve of those which became parties to the Protocol post-1960 were former British colonies. In the absence of any action on their part, they would simply have inherited the British reservation.

13. The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

14. *Literaturnaya Gazeta,* 22 August 1990; *Znamya Yunosti* (Minsk), 24 and 25 October 1990.

15. The text of the Agreement is reproduced in *The United Nations Disarmament Yearbook,* vol.15: 1990 (United Nations publication, Sales No. 91.IX.8), appendix IV.

16. The principal agent was mustard gas and the favoured method of disposal was by sea dumping, for example in the Baltic and the Pacific, although in some instances – for example, in the case of stocks of Dutch mustard gas found in Indonesia incineration was used. With advances in deep-sea technology, however, there have been several instances in recent years of the "recovery" by fishermen of some chemical weapons thought to have been disposed of. There have also been instances of the discovery of old Second World War stocks not previously known of, for example in the Solomon Islands. The whole problem of old stocks of chemical weapons is receiving considerable attention in the negotiation of the chemical weapons convention.

17. On 8 February 1991, the French Defence Minister, Pierre Joxe, said that France did not possess chemical weapons.

Annex I

Industry and the chemical weapons convention negotiating process

The Australian Government, in common with many Governments, has had a constructive partnership on chemical weapons issues with its domestic chemical industry, a partnership which goes back now many years. Our chemical industry has cooperated with us fully in matters such as trial inspection of chemical facilities to test inspection procedures that will be employed under the convention, and with advice on the important issue of commercial confidentiality and on the nature of controls on the export of chemicals which can be used in the manufacture of chemical weapons. We are convinced that this close contact with our industry has greatly improved our capacity to make a constructive contribution to the Geneva negotiations.

Another sphere of activity to which we have devoted a great deal of attention in the course of our work on the convention is the international chemical industry. In September 1989 Australia hosted the first Government-Industry Conference against Chemical Weapons. It was conceived by the Australian Government as a means of giving practical momentum to the negotiations in the Conference for a chemical weapons convention, and as a means of paving the way for its early implementation. The initiative for the Conference came from the perception that such a convention, if it is to be effective, will need to be designed and implemented with the support and assistance of the international chemical industry. In a successful meeting, marked by a positive, constructive atmosphere, the groundwork was laid for continued government-industry dialogue, both nationally and internationally; and the view that a workable, verifiable convention is within reach attained widespread currency.

During the Conference, chemical industry delegates, drawn from a wide, representative range of developed and developing nations, attended an Industry Forum, meeting for the first time on a truly international basis. The Industry Forum issued an "industry statement" formally recording the chemical industry's outright rejection of chemical warfare and its willingness "to work actively with governments to achieve a global ban on chemical weapons, and ... to contribute additional momentum to the Geneva negotiating process". The industry delegates stated their desire "to continue their dialogue with governments to prepare for the entry into force of an effective Chemical Weapons Convention...".

Although the achievements of the Conference were significant in themselves, its real importance was as an "awareness-raising" exercise. As its statement says, industry expressed its willingness to work with and talk to government in order to achieve the common goal of an effective convention on chemical weapons.

In June 1990 representatives of the international chemical industry met in Geneva, first separately and then with the chemical weapons negotiators. This was not the first time that industry representatives had met with the convention negotiators. The June meeting was important, however, in that for the first time there was significant involvement of industry representatives from developing and non-Western countries. Unfortunately, there were no representatives at that meeting from China or the ASEAN chemical industries.

What emerged from the meeting was that, to a large extent, the concerns of industrialists from developed and developing countries complemented rather than contradicted each other. There were some differences of emphasis, and developing industry naturally had a particular concern in issues relating to the transfer of technology, but both negotiators and industrialists from all participating countries were agreeably surprised at the extent to which they could agree with each other and in their common perception of where more work needed to be done.

Annex II

Chemical weapons regional initiative

The Chemical Weapons Regional Initiative was launched by the Australian Prime Minister, Mr. Hawke, in a speech to the Asia Society in New York in June 1988. The aims of the Initiative are to develop a regional consensus in the South Pacific and South-East Asia against chemical weapons, to inform and exchange views with regional countries on progress in the negotiations for a chemical weapons convention, and to assist countries of the region in their preparation for signing the convention.

After a round of consultations throughout the region by a team of Australian officials, the First Regional Seminar against Chemical Weapons was held in Canberra in August 1989. After another round of consultations by officials early in 1990, Australia hosted the Second Regional Seminar against Chemical Weapons in Brisbane from 11 to 13 November 1990. Delegations from 21 countries of the region and the South Pacific Forum Secretariat attended the Seminar, which was opened by the Minister for Foreign Affairs and Trade, Senator Gareth Evans.

The main thrust of the discussion at the Seminar was the shared desire of regional countries to be rid of the threat of chemical weapons. Indonesia and Burma – the other two regional members (besides Australia) of the Conference on

Disarmament – also played an active role in briefing participants on progress in the Geneva negotiations.

In a final statement, participants agreed that the conclusion of the chemical weapons convention now being negotiated in the Conference on Disarmament at Geneva was the best guarantee of the elimination of chemical weapons, and expressed the hope that all Governments would become parties to the convention as soon as it was concluded.

Participants discussed in detail the implications of signing and implementing the convention for countries less familiar with its draft text and the difficulties this would pose, particularly for smaller and developing regional countries. The three members of the Conference on Disarmament undertook to convey the particular concerns of regional countries to the Geneva negotiators.

As expected, the issues of environmental protection and the United States chemical weapons destruction facility on Johnston Atoll were discussed at length at the Seminar. Delegations strongly registered the view that the destruction of chemical weapons should be carried out by those responsible for their production, and that it should be done in an environmentally safe manner.

As to the future of the chemical weapons regional initiative, Australia plans to host a one-week training workshop in 1991 for regional government chemists at the Materials Research Laboratories of the Department of Defence. The workshop is designed to enable regional governments to acquire familiarity with the more technical aspects of the convention, and will include a trial inspection of an Australian chemical production facility. Depending on the progress in the Geneva negotiations, a third regional seminar is also a possibility.

In order to assist the smaller Pacific countries to meet their obligations under the convention on chemical weapons, Australia is also examining the possibility of attaching an adviser to the South Pacific Forum Secretariat when the convention is concluded.

The Current Status of the Geneva Negotiations on the Chemical Weapons Convention

Joachim Krause

Introduction

Since 1983, the Conference on Disarmament has been engaged in negotiations on a multilateral convention on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction. The outcome of these negotiations, so far, is rather impressive: the draft convention and the appendices[1] – called a rolling text – encompass more than 230 pages. In view of the complexity of the issue, the prospective convention on chemical weapons will be different from anything we have seen in the field of multilateral disarmament or arms control. The envisaged convention, an idea to which almost all States of the world are politically committed, is one of the most ambitious undertakings in international diplomacy. It is ambitious inasmuch as it aims at the abolition of a whole category of weapons, although one is aware of the fact that chemical weapons are toxic substances and that the development, production and consumption of toxic substances can never be fully prohibited or even regulated. None the less, the need for the conclusion of a chemical weapons convention has increased, in view of the rapid proliferation of chemical weapons.

In recent years the rolling text has increased in size since the negotiators in Geneva have agreed on a number of questions. In the last three years, however, although there has been progress there has also been a hardening of differences of principle, and even the resurgence of differences that were thought to have been already settled. Most of these differences revolved round problems that had bedevilled disarmament negotiators in the 1920s and 1930s and had contributed to the eventual failure of those negotiations: verification and sanctions.

Joachim Krause is Director of Studies of the Research Institute of International Affairs, Ebenhausen, Germany.

It is not the intention of this paper to promulgate pessimism at this juncture. Actually, the overall political-military situation is different from that existing in the 1930s, and today's technical problems are different from those of 60 years ago. Moreover, the overriding interest in curbing the proliferation of chemical weapons offers no other possibility than the expeditious conclusion of a chemical weapons convention. Yet, there is still a long way to go to achieve that end.

The current status of negotiations

The basic provisions of the rolling text might be summarized as follows:

- In the language of the rolling text, the prospective chemical weapons convention will prohibit the development, production, acquisition, stockpiling, transfer or use of chemical weapons for any State party without exception; it will further obligate States parties to destroy existing chemical weapons and chemical weapons production facilities. States are also obliged to prevent anyone under their jurisdiction or control from engaging in activities that are prohibited to States parties.
- Destruction of chemical weapons and of chemical weapons production facilities will have to take place within 10 years after the entry into force of the convention. States parties possessing chemical weapons are also obliged to fully declare existing chemical weapons stocks and production facilities and to subject them to strict international systematic inspection.
- States parties will have the right to conduct activities in the field of toxic substances or their precursors for purposes not prohibited by the Convention. In order to ascertain that no diversion of toxic substances will take place from allowed activities, State parties submit themselves to a verification system mainly built upon different regimes for different schedules of relevant chemical substances (verification of the non-production of chemical weapons).
- Each State party will be under the obligation to implement the convention on its territory or elsewhere under its jurisdiction or control. This will include not only enabling legislation but also the establishment of a national authority.

- To ensure the implementation of the provisions, especially the international verification provisions, the international organization for the prohibition of chemical weapons will be established.
- The convention will contain provisions enabling States parties either to look for cooperative ways to clarify compliance-related doubts or to solve doubts by requesting mandatory on-site inspections (challenge inspections, also called "inspections on request").
- There will be a mechanism by which States parties that either face a chemical weapons threat or are subject to chemical weapons attacks may receive support from the other States parties. This could be done either by rendering humanitarian assistance or by providing protective equipment through the international organization (assistance).
- There will be some language stating that the provisions of the convention shall not hamper or impede the economic and technological development of States parties.
- The convention will also contain provisions that were to be applied in situations where States parties to the convention are in breach of their obligations (sanctions).
- The final articles will specify, among other things, amendment and modification procedures, the relationship to other international legal instruments, the right of States to withdraw from the convention, and matters of a rather technical nature.

This is – in short – the main structure of the rolling text. It should also be said that the rolling text constitutes an attempt to put down, in language close to treaty language, the status of agreement among the 39 States participating in Geneva. As a rule, everything that has achieved consensus is put in unbracketed language. Since many provisions of the convention are put in rather political language, a later redrafting with the help of legal experts will be indispensable. Another reason for such a redrafting effort is that the *Ad Hoc* Committee for Chemical Weapons Disarmament is forced to proceed piecemeal; that is, only a selection of the problems can be addressed at any one session. As a consequence, it has been difficult to have a comprehensive approach so far. Often, many issues are put aside for years and when picked up again, new people are involved and new developments have taken place that might necessitate a more or less complete redrafting of language that had once been agreed upon.

The major outstanding issues might be summarized as follows:

- First of all, verification must be mentioned here. Although there is no single article in the draft convention that is explicitly devoted to verification, about one third of the total text deals with matters related to verification. Many of the verification provisions are not contentious: the text dealing with the verification of declared chemical weapons stocks and of their destruction is in principle agreed upon. The same applies to chemical weapons production facilities and their destruction. The two areas of dispute are the verification of the non-production of chemical weapons in the chemical industry and the so-called challenge inspections. In both areas the negotiators are facing a matter that is extremely difficult and intricate for legal and technical reasons and that is politically highly sensitive. This applies in particular to the challenge inspection regime, concerning which over the last six years at least one of the permament members of the United Nations Security Council has been in political isolation: up to 1987 it was the Soviet Union, after that mainly the People's Republic of China, both of which held positions that separated them from the rest of the members of the Conference on Disarmament.
- The field of "sanctions" and "assistance" is moot to a similar degree. This is an area in which there is a typical North-South divide. Third world countries, on the one hand, tend to ask for as much collective action by the proposed international organization as possible in order to support States that have become victims of chemical weapon attacks and in order to stand up against States using chemical weapons. Western States, on the other hand, are sceptical concerning the possible role global international organizations could play in meeting their security needs. Therefore, they are reluctant to accept any transfer of responsibilities in this field to an organization they are not able to control. There was some movement in the direction of bridging the gaps early this year, but many conceptual differences still exist.
- A very contentious point is that of the composition of the executive council of the proposed international organization. This organ will probably be the most important one politically. Up to now, no agreement has been found as regards its size, composition, and the voting rules. As in the "sanctions/assistance" field, a dividing line runs between the Western industrialized countries and the non-aligned States (Group of 21).

- One of the politically most difficult problems originates from the attempt of the United States—joined by a few others, among them the Soviet Union—to make the question of universal adherence a matter to be solved within the text of the convention. The United States Administration holds that a chemical weapons convention would turn out to be a net security loss as long as not all chemical-weapons-capable States had adhered to the convention. They have therefore suggested that, during the 10-year destruction period, States parties possessing chemical weapons should proceed in accordance with a formula for the order of destruction that would allow them to keep operational stocks of at least 500 agent tons for eight years after the entry into force of the convention. As a corollary, they also insist on a qualification of the absolute prohibition to employ chemical weapons set forth in article I of the draft convention. At least for the first eight years after its entry into force, States parties should retain the right to retaliate in kind if they were attacked with chemical weapons. Another suggestion has already found its way into the Agreement between the United States and the Soviet Union on the partial elimination of their chemical weapons stocks from June 1990.[2] It was suggested that a review conference be held, eight years after the entry into force of the convention, for the main purpose of determining "whether the participation in the multilateral convention is sufficient for proceeding to the total elimination of all remaining chemical weapons stocks over the subsequent two years".[3] What made this provision annoying to many was the agreement of both super-Powers on a decision-making procedure for this review conference. It would give veto power to States that had declared their possession of chemical weapons by 31 December 1991. While one may argue that this provision could serve as an incentive for States that did possess chemical weapons to openly acknowledge this fact, the negative consequences of this policy might, however, outweigh this advantage. For many States such a veto power is completely unacceptable, since, as the deputy head of the Swedish delegation in Geneva put it a couple of weeks ago, it would confer "a right to CW possessor States in the end to decide on the full implementation of the Convention".

- There are other, politically less important but, from a technical viewpoint, still very intricate problems that can only be broached at this juncture. These are the problems relating to national implementation (including the notorious question of extraterritorial application), the treatment of old and abandoned chemical weapons stocks, and many other technical or legal problems. The issue of economic and technological development also remains controversial.

Approaches to the resolution of pending problems

After more than seven years of intense negotiations, the questions remain: how to overcome the remaining problems and obstacles and how to conclude negotiations as soon as possible. It is argued here that the negotiations have bogged down over two equally disturbing habits: the tendency to overload the negotiations with excessive security concerns, and the penchant for further burdening the negotiation process with matters that do not intrinsically belong in a disarmament treaty. Both tendencies have proliferated in the course of the last three years and have led to a spiralling of mutually exclusive expectations and demands. As a corollary, there has been an increase in the width, depth and complexity of the draft convention. One might venture to state that the current complexity and width of the negotiating approach have become in themselves an obstacle to the rapid conclusion of the chemical weapons convention. Given the relatively small size of the national delegations in Geneva, and given the working structure of the Conference on Disarmament, it becomes difficult to imagine how the drafting of such a complex treaty could be completed within a short time.

How could this complexity be reduced in such a way that the rolling text would not have to be largely or even completely rewritten? First of all, there is a need to critically reconsider security concerns that were voiced during the negotiations and that are now reflected in the rolling text. These security concerns were often out of proportion to the military value of chemical weapons, and perfect solutions were sought as if chemical weapons were as important as nuclear weapons. These requests often led negotiators to forget that the main purpose of chemical weapons disarmament was not the abolition of a highly efficient category of weapons, but the desire to do away with an inhumane and insidious means of warfare.

The claim for perfect security solutions in the field of chemical weapons was first brought up by Western States, namely by France and the United States. France, for instance, in June 1987, launched a proposal on security during the destruction phase that came as a blow to those who had thought that a rapid conclusion of the chemical weapons convention was imminent. In principle, the logic of the French argument was simple and clear: since there will be a 10-year destruction phase during which imbalances might arise between States possessing chemical weapons, a mechanism must be found to assure that no State would be worse off than the other. The best way to solve this problem was seen in conferring on States parties the right to retain undeclared security stocks during that transition period. The French concept, however, never worked out, as it was fraught with so many uncertainties and unresolved questions that no other State was prepared to accept it. But the logic of the French argument was picked up by the United States delegation and reformulated into a minimalistic security stock concept that eventually bore only scant similarity to the French ideas. According to United States policy, Washington intends to retain the right to keep 2 per cent of its current inventory (that is, 500 agent tons) in an operational status eight years after the entry into force of the Convention. This concept has so far been difficult for many States to accept, mainly because it was combined with the above-mentioned veto power of States possessing chemical weapons.

The other field where excessive security concerns came up was that of verification. This was true especially with regard to challenge inspections, but to no lesser degree also in the area of non-production of chemical weapons.

In its draft treaty of April 1984,[4] the United States surprised the Conference with a proposal hitherto unprecedented in arms control and disarmament diplomacy, since it was to provide States parties with the right to ask within a short time for an on-site inspection in any military and other relevant facility on the territory of another country without the right of refusal for the inspected State. Later, this concept was further expanded: challenge inspections should become possible "at any place, at any time". For many years the strife between the Soviet Union and the West regarding this concept dominated the debates in Geneva and elsewhere. Even after the Soviet Union gave in, in August 1987, the debates did not subside. Now States belonging to the Group of 21 and China have voiced their concerns about this far-reaching verification concept and there is still no agreement in sight. At the end of the 1990 session it seemed that the differences had rather widened.

A similar development resulted from the increased attention that was given to the possibility of clandestine chemical weapons production in the chemical industry. What originally formed a minor part of the United States draft treaty of 1984 later turned into an attempt to control wide parts of the civilian chemical industry, mainly in developed industrialized countries. The so-called schedule 4, for instance, was the furthest-reaching attempt to submit virtually all handling of toxic materials to the scrutiny of a major international authority. The resulting verification baroque would most likely have been totally out of proportion. Other proposals for tackling that issue, such as *ad hoc* verification, have likewise not met with the support of all the parties concerned.

What lay behind these and other attempts to devise watertight formulas for both the transition period and the verification of the convention was a stark exaggeration of the military utility of chemical weapons and the resulting risks after the entry into force of a convention. In retrospect, this exaggeration originated from an intra-Western, and mainly internal United States, debate on a modest chemical weapons rearmament programme during the mid-1980s. During that debate, nervous concerns about Soviet chemical weapons programmes and chemical weapons proliferation in the third world had the combined effect of grotesquely overstating the role and military utility of chemical weapons. The resulting standards for verification and security during the destruction period were somewhat out of proportion and, as a rule, were tighter than those on which nuclear weapons or conventional arms control were based.

It is not intended to argue that chemical weapons are without military utility. But one has to be clear about the yardstick that has to be applied and one should avoid repeating the mistakes of history. During the 1920s and 1930s chemical weapons disarmament negotiations foundered since it turned out to be infeasible to arrive at a formula that would have given States total assurance with regard to the compliance of others with the convention and that would have included a strict regime of penalties for States in violation of their obligations. At that time, such attitudes were understandable since chemical weapons were deemed to have a decisive impact in any future war. Since then, however, there has not only been the Second World War, during which virtually no chemical weapons were used, but more than 140 wars worldwide, in only two of which chemical warfare played a major role: the Italian campaign against Abyssinia in 1936 and the war between Iraq and Iran. However, in both of these wars, chemical weapons did not play a strategically decisive role. Furthermore, the development and introduction of nuclear weapons into the arsenals of major Powers have finally debunked whatever had remained of the image of chemical weapons as a "super-weapon" of final resort. Today, chemical weapons can hardly compete either with modern conventional weapons or with nuclear arms. Even the recent notion of chemical weapons as the "poor man's nuclear bomb" will hardly derogate from this basic strategic insight.

The main purpose of chemical weapons disarmament is to ban a certain category of weapons that are denounced because of their inhumane and insidious effects. As long as possible treaty violations would not result in major, strategically relevant disadvantages to those who have adhered to the Convention, perfectionist verification and security schemes would hardly be necessary. Up to now, it has been hard to demonstrate that under any realistic war scenarios, a violation of the chemical weapons convention would have led to disadvantages of great strategic relevance.

While it was the West that started to exaggerate the security aspects and which introduced for the first time perfectionist verification and security stocks concepts, the other groups none the less had their part in this game also. Many from the Socialist Group and from the Group of 21 tried to outdo the West in devising new and perfectionist concepts on how to make challenge inspections and regular inspections in the chemical industry as watertight as possible. The Soviet Union followed the United States in its security stocks policy. It is true, however, that—with the exception of the Soviet Union—these States never favoured the idea of security stocks. Yet, from the Group of 21 another complicating factor emerged in the stress they put on the issues of "sanctions" and "assistance".

It is logical and understandable when States that are not members of any military alliance often tend to attach much more importance to matters of multilateral "assistance" and "sanctions" than do, for instance, States members of the North Atlantic Treaty Organization. However, a closer look reveals that, here again, we are faced with an exaggeration of the military utility of chemical weapons and of the security implications of a chemical weapons convention.

Actually, the insistence of the Group of 21 on far-reaching treaty provisions on "sanctions" and "assistance" seems to reflect the same kind of excessive security thinking one can find on the side of the Western States. Both sides, if they are determined not to repeat the mistakes of the past, will have to reduce their demands and to put up with a treaty that is less perfect but still appropriate, given the limited utility of chemical weapons in the current world. There is reason to hope that this understanding will grow, because there is increasing uneasiness about the current approach in Geneva and a growing concern over the spread of chemical weapons. The proliferation of chemical weapons cannot be curbed by export control measures. The only way to stop it would be through a chemical weapons disarmament convention.

The other disturbing habit is the tendency to burden the negotiations with matters that do not belong in a multilateral disarmament treaty. One example was mentioned before – the attempts by the United States of America to make global adherence to the convention a matter to be solved within the convention. There is no doubt that adherence by countries that are chemical-weapons capable is of the utmost importance. Yet, overdoing this point by including it in the convention, as is currently being attempted, can only backfire. It might create the impression that another discriminatory multilateral disarmament convention is looked for and it could lead to new incentives for States to procure chemical weapons in order to raise their international status.

Another example is the insistence of many States in the Group of 21 on introducing language on "economic and technological development" into the convention. This is something that definitely does not belong in a chemical weapons disarmament convention. It is understandable that States from the third world want to be sure that with the entry of the convention into force no new obstacles would be erected in the field of technology transfer. However, it is hard to see where such new obstacles would come from. It rather seems that third world States adhering to the chemical weapons convention will be better off than before with respect to the transfer of technology from industrialized countries. However, as we have seen with regard to the the question of global adherence, it is one thing to state the obvious and another thing to form it into treaty provisions. If the treaty language suggested so far in appendix II of the rolling text is accepted, it may lead to a lot of legal and political difficulties in many Western States, resulting in extensive prolongation of ratification procedures and eventual unilateral reservations.

Another subject that does not belong in the chemical weapons convention is the reform of the United Nations system in matters relating to security. During the debates on sanctions, assistance and the structure of the international organization, many States seemingly wanted the international organization for the prevention of chemical weapons to take on responsibilities in the field of global international security that are within the sole domain of the United Nations. Possible collusion involving Article 24 of the United Nations Charter was not always reflected in proposals concerning the powers and competences of the international Organization's main bodies.

Following from the aforementioned considerations is the suggestion that there is latitude for a "slimming treatment" for the whole draft convention involving various trade-offs between the "West", the Group of 21, the Soviet Union, and China. As a rule, each side will have to look in a self-critical way at the security concerns claimed by it and will have to relinquish the claim for inclusion of matters that do not intrinsically belong in such a convention. This may be illustrated by referring to verification, sanctions and the structure and composition of the international organization, as described below.

Verification issues

As outlined above, the verification issues that are most contentious are the "non-production of chemical weapons" and "challenge inspections".

The current system for the verification of the non-production of chemical weapons is incomplete. In its current structure, it consists of three schedules of substances that are related to three different regimes. Each schedule is oriented towards the likely risk the substances pose for the objectives of the convention and for the actual production and consumption of substances in civilian chemical industry. All regimes are based on the obligation of States parties to declare the production, storage, transport or consumption of these substances.

Schedule 1 covers substances of high risk in terms of the convention which have little or no use except for purposes that are prohibited by the convention. Their production will be limited to certain facilities, and an aggregate ton per State may be produced per annum only. Production and storage of these substances will be subject to very strict and intrusive monitoring, including on-site inspections. The relevant provisions are agreed on to a large extent and should not be changed further. Yet, illegal production of schedule 1 substances in facilities outside the declared ones cannot be detected by this system.

Schedule 2, parts A and B, and their respective regimes will cover precursor chemicals and toxic substances that pose a significant risk to the objectives of the convention but may be of use for civilian or other purposes not prohibited by the convention. These verification regimes will be rather tight and intrusive, including on-site inspections on a regular basis. Their declared purpose is to check whether substances listed in schedule 2, part A or part B, are not diverted or used for purposes prohibited under the convention. However, the basic flaw of the verification regimes for schedule 2, parts A and B, is that they seek to establish a system of material balance, modelled after the IAEA safeguards, that never can be complete in the field of chemistry. While capabilities for producing schedule 2 substances are widespread in the chemical industry, only those facilities will come under strict supervision that were declared to have been involved once in the production of any such substance. As a consequence, extremely costly and intrusive inspections in some sections of the chemical industry would take place, while many other sections will never experience such inspections although they have the same capability to produce schedule 2 substances.

Schedule 3 comprises toxic substances and precursors which are produced in often large commercial quantities and for which, unlike schedule 2, no on-site verification is planned. States are only obliged to make annual declarations as to production and consumption on a national scale. The selection of substances for inclusion under schedule 2 or schedule 3 has often been subject to heated debates owing to different assessments of those criteria that are to be applied. While some argue that the military risk should be the only criterion, others state that the actual production in the chemical industry should be taken into consideration also. Otherwise, they argue, it would be totally impossible to achieve anything close to material balancing.

There is an obvious gap in the verification approach towards non-production of chemical weapons. Various attempts were made in earlier years to overcome its shortcomings, among them the so-called "schedule 4" and various proposals for *ad hoc* verification. All these attempts have failed so far. Thus, it might be high time to take a fresh look at this problem.

In this respect a proposal launched recently by the Swedish delegation in Geneva seems to be very promising. It boils down to the establishment of one unified system of verification in the chemical industry, based on a qualitative approach, without systematic monitoring. Under this proposal, States would provide advance notification of facilities planning or actually producing schedule 2 or schedule 3 chemicals above certain thresholds and, in addition, of certain facilities that are using specific chemical conversion processes critical for chemical weapons purposes in excess of certain given thresholds. All such declared facilities should be open to receive inspections on short notice with a concise and limited mandate: to check that ongoing activities are in accordance with what was notified, and, if needed, to verify the absence of schedule 1 substances at the facility. The selection of facilities to be inspected could be taken on a random basis or on request by individual parties. This system of random short-notice inspections might not only lead to a marked reduction of inspection efforts, but could help to focus inspection efforts more on those facilities and sites which are of relevance for the convention.

Even more radical solutions could be envisaged, provided that one was prepared to stop confining conceptual thinking to inspections in the chemical industry. If, for instance, the challenge inspection regime would be changed towards a more regular inspection mode, one might even envisage one unified inspection system. This leads us to a closer look at challenge inspections.

As mentioned earlier, challenge inspections, as discussed in Geneva, would constitute a new and unprecedented type of inspection regime. What made this new type of instrument necessary? In the view of many, it is the ease with which chemical weapons can be produced or stored clandestinely at various places. In order to address this problem, an inspection regime was needed that could serve both as an instrument of clarification and as a factor of deterrence.

The challenge inspection regime discussed so far in Geneva includes the following elements:

- Challenge inspections will have, as indicated by the name, an exceptional character and will come under Article IX, which deals with compliance-related doubts. The right of each State party to request an on-site inspection at any time at any place on the territory of other States parties is the basis of the challenge inspection regime.
- There is also an obligation on the part of the inspected party, not only to allow inspection activities on its territory, but also to prove its compliance with the convention.
- Inspections are undertaken by international inspectors, yet a representative of the requesting party will be present in some form as an observer.

Since the introduction of the idea in 1984, no text on challenge inspection has made it into the draft convention, that is, annex 1 of the rolling text. Up to now, it has not been possible to agree on all aspects of such a regime and it seems that – at the beginning of 1991 – the odds have not improved.

Although some important States have gone through fundamental changes in their attitude towards challenge inspections, the main arguments raised against this regime have basically remained the same:

- First, many have voiced, and continue to do so, their concerns about the exceptional and confrontational character of challenge inspections. They would prefer a more cooperative, regular inspection regime. However, renaming challenge inspections "inspections on request" would surely not suffice.
- Secondly, and most important, the "any time, anywhere" formula was put into question for both legal and security reasons. Constitutional guarantees of rights (such as the right of privacy), legal principles, and the principle of State sovereignty were cited as being irreconcilable with a challenge inspection regime. Others referred to the possibility of misuse. This could be the case with sensitive military installations that were totally unsuitable for chemical warfare purposes but would constitute ideal objectives for any kind of "fishing expeditions". Examples would be nuclear command and control facilities and storage sites or other strategically relevant facilities.
- Thirdly, some voiced doubts whether the obligation of the inspected party to prove its compliance was fair and appropriate. Could

it not open up the possibility of political misuse by way of "treaty violation campaigns" against individual countries or groups of countries for reasons totally unrelated to chemical warfare?

There were many, often promising attempts to bridge the gap between advocates and critics of "challenge inspections". The most interesting one was the concept of "managed access". Implied in this notion is that the inspected party may have the right and opportunity to prove its compliance by presenting measures alternative to full access. However, up to now it was not possible to convince all delegations at Geneva of the virtue of this concept. In this context one should also cite the experimental challenge inspections that were made in the United Kingdom and Germany. Both yielded interesting results as regards the ability to prove, with a relatively high degree of reliability and with a relatively low degree of intrusiveness, that military facilities were or were not harbouring chemical weapons or chemical weapons production facilities. Whether these results suffice to convince sceptics is still an open question. During the 1990 session in Geneva, for instance, the main critic of the challenge inspection regime, China, came out more clearly than ever against "challenge inspections".

In the long run it seems unavoidable to cut back on the rather ambitious "challenge inspection" concept discussed so far in Geneva and to confine attention to measures that are essential. What is really needed is expeditious access to sites relevant to the purposes of the convention, such as military storage facilities, major production sites of industry and other government and military sites. What is needed even more is a mechanism for scrutinizing, with a high degree of reliability and with as low intrusiveness as possible, allegations concerning the use of chemical weapons. However, what is not needed is an inspection regime facilitating so-called fishing expeditions at places irrelevant to the convention, or inviting political misuse.

In considering the way the problem of clarifying compliance-related doubts has been solved in other arms control and disarmament treaties, one should be rather confident that the negotiators in Geneva will eventually find a pragmatic solution. Such a solution must contain a clear definition of sites of relevance and a rather open and flexible inspection format that would give space for negotiated forms of non-intrusive access. It must also emphasize mechanisms by which allegations relating to chemical weapons use can be verified.

What has to be decided in Geneva is whether or not such a regime should be of a rather exceptional (that is, "challenge") nature or be of a routine character (in the meaning of a "quota inspection on request"). Both ways are imaginable; however, the latter would open the perspective of a merger with what was suggested above concerning inspections under article VI, that is, the routine inspections in the chemical industry. Eventually, one could envisage a unified routine on-site inspection regime, based on requests by States parties. Places of relevance for the chemical weapons convention would become subject to visits by international inspectors, regardless of whether there were reasons for suspicion.

Such an inspection regime, even if it had less teeth than the concepts discussed earlier, would be not only feasible but sufficiently effective. It would of course be less than perfect. But is it really necessary to arrive at a perfect regime for weapons that have lost most of their strategic relevance long ago? Besides, one should not forget that before a State party violating the chemical weapons convention could take advantage of it, more than just one clandestine activity has to occur. The probability that something will be detected is still very high.

Assistance/sanctions

This plea for more modesty and simplicity in devising verification provisions would be incomplete if it was not accompanied by a plea for more simplicity and modesty also in the areas of "assistance" and "sanctions". Both "assistance" and "sanctions", although treated separately in the rolling text, refer to the same category of problems: What is to be done in case a State party becomes subject to a chemical weapons threat, or worse, even an attack? And what to do if a State party has actually violated the convention? This matter bedevilled the negotiators in Geneva during the 1920s and 1930s. It might become, if it was pursued with the same kind of passion and determination as it was during the era of the League of Nations, a major stumbling-block for the negotiations within the Conference on Disarmament.

"Assistance" and "sanctions" have become a problem for the Geneva negotiations since the Group of 21 has pushed this issue forward in the last few years. Their demands may be summarized as follows:

- Each State party shall not only have the right to request assistance against a chemical weapons threat but must also get assistance from the international organization or other States parties, provided that the executive council votes in favour of such a request by a simple majority.
- Each State party has to contribute to this assistance by making money, technical equipment or advice available to the international organization.
- In case of a treaty violation by a State party, the conference of the States parties, on suggestions made by the executive council, may recommend collective measures to the States parties.

From the viewpoint of a non-aligned State such argumentation is logical, yet it represents the same kind of exaggerated security concern for which the West is usually criticized. By insisting on strong provisions in these fields, the Group of 21 has triggered off a lengthy and strenuous debate. It is hard to see how the existing conceptual differences are to be bridged, as the security philosophy behind this suggestion is not shared by others. The main problem is that many States do not share the view that the international organization, through its organs, has to decide whether or not a State party will receive assistance. They would rather prefer voluntary contributions. Many are concerned that by following this concept one would open up a "Pandora's box", since in the case of recommendations on "collective actions" the international organization for the implementation of the chemical weapons disarmament convention would interfere with the rights and competences of the United Nations, namely with those that were conferred on the Security Council.

During the recent intersessional periods laudable and fruitful efforts have been undertaken to narrow these conceptual differences and to arrive at language acceptable to all. In January 1991 a text was agreed concerning assistance, and further progress was made towards arriving at a common text in the field of sanctions. Whether these compromises will carry very far is still uncertain. Many questions are still open. The possible collusion of recommendations on collective action with the United Nations Charter, for instance, is addressed by reference to the fact that this has to be done "in conformity with international law". But what does this mean in practice? The same is true with respect to the principle of "voluntary" or "mandatory" assistance. The text is still unclear in that regard. One might also wonder whether those who have always supported the concept of assistance following a majority decision taken by the Executive Council would really stick to this idea if confronted with a real contingency. Take, for instance, the real chemical weapons threat to which Israel is currently exposed. Imagine what would have happened if the convention had already been in force and Israel had asked for assistance through the international organization. There are two possible outcomes: either the executive council would turn down Israel's request or it would undertake measures to buttress Israel's nuclear, biological and chemical (NBC) defence. Under the first scenario, the executive council would definitely have failed to live up to its purpose – with possibly very unpleasant consequences; under the second scenario, it would be a marvel if Arab States would actually be ready to support Israel in the field of NBC defence.

The issues of "universal adherence", "assistance" and "sanctions" are surely relevant matters that have to be addressed. However, trying to deal with these problems within the chemical weapons disarmament convention is not without risks. One should not lose sight of the fact that the planned chemical weapons convention is only part of a broader and comprehensive effort on the part of the international community to curb chemical weapons. One should rather treat "global adherence", "sanctions" and "assistance" as "associated measures" to the convention. This could involve political efforts to convince as many States as possible that they should adhere to the convention. It could also mean that States should join together to help others that were being exposed to a chemical weapons threat, and it could imply that States should undertake common action in order to respond to a violation of the convention. Such measures are better pursued in a pragmatic manner, that is, outside the convention, since, otherwise, arduous and often problematic organizational decision-making procedures will have to be adopted before action can in fact be taken. As the recent example of assistance granted to the international troops in the Gulf region against Iraqi chemical-weapon threats have demonstrated, pragmatic solutions are possible on short notice.

The same could be said with respect to international action against a violator. Instead of seeking internationally binding decisions through complicated decision-making procedures in the international organization, it would be better, from the beginning, to form a group of States of various political and regional groupings that are powerful and determined enough to guarantee the implementation of the convention even under such extreme scenarios.

International organization

Another contentious issue concerns the international organization to be established under the chemical weapons convention. What featured in early proposals as a "consultative committee" has meanwhile become – at least in theory – a full-fledged international organization. In the language of the rolling text, its main purpose would be to "achieve the objectives of the Convention, to ensure the implementation of its provisions ... and to provide a forum for consultation and co-operation among States Parties".[5] The international organization will be composed of three main bodies: the conference of the States parties, the executive council, and the technical secretariat. While the conference of the States parties will convene in annual sessions of limited duration only, the executive council will be the executive body and, during the recess of the conference of States parties, the main political decision-making organ. It will also have to control the activities of the technical secretariat.

In view of the as yet inconclusive deliberations on verification, the overall size of this organization is still open. In case of a very costly verification system, the amount of technical expertise needed might be huge. It might considerably exceed that of the safeguards department of IAEA in Vienna. In case of a more simple and unified verification system, something similar to the size of IAEA might evolve. This is also a matter of money: the IAEA safeguards department currently has an annual budget of only about $US 50 million.

The most contentious issue so far has been that of the size and composition of the Executive Council. While it seems that a compromise on the sheer number of members should be feasible, one should be more sceptical about the outlook for agreement on the composition of the executive council. Here, the issue is: Who would actually control the implementation of the chemical weapons convention? While the Group of 21 prefers a regional distribution, as it is common within the United Nations, the Western States and those of the former Socialist Group rather prefer other procedures. Their main apprehension is that they would become overruled by third world majorities in matters that are of importance to their national security or that would touch on their industry interests (especially with respect to verification). As a consequence, the Western States have demanded the inclusion of a criterion reflecting the fact that States with a large chemical industry are more affected by verification than others. This would boil down to giving industrialized countries larger representation in the executive council in accordance with the application of United Nations rules. The executive council would then be a body similar to the Board of Governors of IAEA.

The regional criterion and the industrial criterion are not irreconcilable. However, striking a compromise has not been possible so far. One could imagine a solution that would, on the one hand, give States of the third world a quantitative majority but that would, on the other hand, have some kind of industrial representation and decision-making procedures according to which substantial decisions by the executive council would have to be made by qualified majorities with a high quota.

Any search for a consensus-finding procedure might be considerably eased if the responsibilities of the international organization were reduced drastically. If, for instance, the existing verification provisions would be cut back, as was suggested earlier, and if States would no longer insist that the international organization would become tantamount to a partial substitute for the United Nations Security Council in the field of chemical warfare prevention, then the stakes involved might be lowered considerably. It is to be hoped that it will be easier than arriving at reasonable compromises for both the size and the composition of the executive council.

Concluding remarks

A rapid conclusion of the negotiations on the chemical weapons convention is not only overdue: it is also possible. It is overdue, for otherwise the spread of chemical weapons, irrespective of their limited military utility on the battlefield, might not be stopped in the foreseeable future. The basic deal – disarming those who possess chemical weapons, safeguarding the non-possession and non-production of chemical weapons of all States – is a reasonable and sound one and would best serve the interests of all States. Such a convention would be possible within a short period provided that there was a basic understanding that excessive security concerns were abandoned, that the convention should become simpler and that the rolling text should be kept free of matters that, intrinsically, do not belong in the text of a chemical weapons disarmament convention.

Notes

1. See report of the Conference on Disarmament (*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 45* (A/45/45), chap. III, D, para. 115, part IV, appendices (pp. 69 ff.)

2. Agreement between the United States of America and the Union of Soviet Socialist Republics on Destruction and Non-Production of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons, Washington, DC, 1 June 1990. The text is reproduced in *The United Nations Disarmanent Yearbook* , vol. 15: 1990 (United Nations publication, Sales No. E.91.IX.8), appendix IV.

3. *Ibid.*, article VI, para. 2.

4. "Draft convention on the prohibition of chemical weapons", submitted by the United States of America (Conference on Disarmament document CD/500, dated 18 April 1984).

5. Report of the Conference on Disarmament to the General Assembly (*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 27* (A/45/27), p. 94.

National Implementation of the Future Chemical Weapons Convention: The Australian Experience

John Gee

The purpose of this paper is to share with you the Australian experience in preparing for the implementation of the chemical weapons convention. Even though implementation in Australia is of course tailored to circumstances and conditions that are in many instances specific to Australia, I hope our experience will be of interest to other countries. Our belief is that there is much in our approach that is universal in application, but we also recognize that, in matters of detail, countries with different political and administrative systems will need to adopt measures more suited to their own particular circumstances.

We share this experience with a purpose, that of stimulating other countries to begin thinking about implementation of the convention. We think it is important to start now and not when the text of the convention is finalized or when the convention is signed or when it enters into force. Our reasons for believing that it is important to begin now are as follows.

First, this view reflects our assessment of the likelihood that a convention will eventuate: we believe that given the necessary degree of political will on the part of all concerned, a convention is achievable within the next 12 to 18 months. Indeed we hope that our preparations – along with a number of other initiatives – will exert pressure on the negotiators in Geneva to conclude the negotiations within such a time- frame. Secondly, it also reflects our assessment of how much time we need to prepare adequately for the convention. In company with many other countries we have already announced our intention to be one of the original signatories of the Convention, that is, to sign it as soon as it is concluded. This means that we have to start work on its implementation now.

The convention is an extremely complex document. Implementation of its provisions extends far beyond signing a piece of paper and

John Gee is Director of the Chemical and Biological Disarmament Section of the Department of Foreign Affairs and Trade of Australia.

ratifying it. The convention has a number of complex domestic consequences. It does not take effect in a domestic vacuum: implementation of the provisions must be reconciled with the existing administrative and regulatory framework – And this requires a whole series of adjustments.

In Australia there is the additional characteristic of a complex constitutional situation. I will say more about what this means a little later on, but for the moment it is enough to say that not only is the convention itself complex but in Australia we are trying to reconcile it with a complex constitutional and administrative framework into which it must fit. We also think that beginning preparations for implementation now is a useful way of demonstrating our commitment to the cause of international chemical disarmament.

As we want to be among the first countries to ratify the convention we have to start work now. We also believe that someone has to start the ball rolling, and that this type of exercise can have a useful effect as a demonstration for other countries, both in our region and in Geneva.

We would not have embarked on this course if we had not thought it feasible. There is enough that is already fixed in the rolling text of the draft convention[1] to make such preparations a realistic and practical task.

Establishment of the national Secretariat

Following the very successful Government-Industry Conference against Chemical Weapons sponsored by the Australian Government in 1989, the Australian Government established a national secretariat responsible for Australian preparations for the implementation of the chemical weapons convention in the Department of Foreign Affairs and Trade. The Secretariat is a small unit attached to the section responsible for chemical disarmament policy. It is seen as the core of the future Australian National Authority to be established under the legislation that will implement the convention in Australia.

Development of a strategy

The first task of the Secretariat has been to develop a strategy for the implementation of the convention in Australia. (Copies of the text are available.) Implementation will be a two-stage process.

The first stage will be Australian ratification of the convention, that is, under our constitutional procedures, the passage of Australian legislation banning chemical weapons in Australian territory and establishing the National Authority.

The second stage will be at a point somewhat after Australian ratification, when the convention enters into force. At this stage Australia will need to be in a position to provide to the proposed organization for the prohibition of chemical weapons a whole series of declarations about chemical weapons, chemical production and chemical production facilities in Australia.

Australia's constitutional arrangements

In developing the strategy, the Secretariat took a number of things into account. The first thing was Australia's complex constitutional arrangements. Australia is a federation. The practical consequence of this is that in Australia there are six state governments, two territory governments and the Australian Federal Government, that is, nine governments in all.

While the Australian Government is responsible for the conduct of foreign policy, including the conclusion of international agreements, it is the case that whenever Australia contemplates entering into an international treaty there is a requirement for the Australian Government to consult with the state and territory governments. In this case, the situation is somewhat different because we are beginning with preparations before the convention is finished, and therefore the consultative process between the Australian Government and the other eight governments is much more extended. Because of the unique characteristics of this treaty – the additional regulation of the chemical industry that is required by the treaty – we have to enter into extensive discussions with the eight governments well ahead of time.

In Australia it is the state and territory governments which regulate the chemical industry. The Federal Government's role is quite marginal. It is restricted to powers over trade (imports and exports) and, of course, powers in relation to defence. In recent years there have been a number of national systems established – with the agreement of the states – for the assessment and clearance of chemicals by one authority, rather than by the authorities of eight different governments.

However, most of the powers that are relevant to regulating the manufacture of chemicals rest with the state governments. The states are responsible for public health and safety, for the health and safety of workers, for environmental protection and for land-use planning, with the consequence that any data that are the by-product of these administrative systems are held at that level also. So in developing the plan we took it for granted that besides talking to other Federal Government agencies we would have to work with eight other governments as well. And this of course is extremely time-consuming.

Australia's chemical weapons involvement

The second thing we took into account in developing our strategy was the nature or degree of Australia's chemical weapons involvement. What I mean by this is that Australia is not a State that possesses chemical weapons.

Our direct involvement in chemical weapons ceased at the end of the Second World War. We do not have a stockpile of chemical weapons or even old stocks of chemical weapons. Consequently, a large part of the convention is not relevant to us. We will, however, need to provide a declaration to the proposed organization for the prohibition of chemical weapons documenting our involvement in chemical weapons since a date still to be negotiated – either 1946 or 1975 – and it will be a challenge to do this thoroughly.

But that apart, we will not need to produce: declarations about the chemical weapons stockpile since we possess none; declarations about production facilities; declarations about the destruction of the stockpile; and declarations about the destruction of production facilities.

Nor will many of you.

In our assessment, the implementation of the convention in Australia will have the greatest impact on the civil chemical industry – in monitoring the production, processing, consumption and trade in chemicals which have legitimate industrial purposes, that is, those chemicals which appear on schedule 3 of the draft convention.[2] For this reason our implementation strategy has been based in very large part on the Australian chemical industry because collecting the data from the chemical industry and working with it to help it understand inspection requirements will demand the most effort.

Fragmentation in chemical regulation

The third factor we took into account is the degree of fragmentation in chemical regulation in Australia. This is a consequence of the fact that there are nine governments involved – not counting municipal administrations – and within each government administration there are of course a number of – indeed many – agencies between which responsibility for regulation is divided. Again this means that the task of implementation is more time-consuming than would otherwise be the case.

The deregulatory climate in Australia

A fourth factor we took into account is the current deregulatory climate in Australia. The chemical industry in Australia is already heavily regulated – many would argue that this is so for sound reasons – and as a result there is strong resistance to additional industry regulation. As well, it is government policy to deregulate industry where possible. In Australia there are government agencies responsible for determining whether any additional regulation proposed for industry is absolutely necessary and, if so, that it is applied in the most efficient and least burdensome way. Because many – both in industry and in government – believe that the data requirements of the convention can be met by data which are already collected by government agencies, in developing the strategy we built in an extensive review of the existing regulations with a view to establishing whether or not the objectives of the convention could be achieved in full or in part through existing law; and with a view to establishing whether the data required by the convention about the chemical industry were already collected by existing agencies.

Market conditions

Another factor we took into account – perhaps an obvious one – is that our chemical industry operates under market conditions: it is not subject to central State direction; and it is not therefore a simple matter to collect data.

Dissemination of information

Finally, we took it for granted that very few people outside the immediate area of the Department of Foreign Affairs and Trade dealing with the issue had much knowledge about the convention. As a result, much time would have to be spent in educating people – government agencies, industry, unions – about the convention, and as the convention is not complete, there is of course the tendency for people to assume that the convention can still be changed if they do not like its provisions. So quite deliberately we have built a large component of consultation into the strategy with a number of consultative forums to explain each step of the implementation process to the people involved. Incidentally, we have found the strategy itself – which, compared to the draft convention, is a short document – a very useful way of educating people about the convention.

Summary of practical steps

I would like now to run through quickly the practical steps we followed in developing the strategy.

The whole process – from establishing the national secretariat to producing the final version of the strategy – took us a good six months. The Secretariat began by analysing the rolling text and talking to a few people about what was available in terms of data on the chemical industry. The Secretariat then prepared a first draft of the implementation strategy. This was circulated within the Department of Foreign Affairs and Trade for comment, revised and then circulated outside the Department to state and territory governments, the chemical industry, and relevant unions. In a number of cases we found it useful to meet with officials from the agency or organization concerned to discuss the draft.

All of these views were fed into the deliberations of an interdepartmental committee established by the Minister for Foreign Affairs and Trade of Federal Government departments and agencies, which met for the first time in September 1990, and which will meet throughout the implementation period until the National Authority is set up and the legislation banning chemical weapons in Australia is passed.

Thereafter, the strategy was revised a final time and printed. We hope to submit the document at the Conference on Disarmament shortly.

Substance of the implementation strategy

Finally, a few words about the actual substance of the implementation strategy. The strategy paper sets out the objectives of the pre-implementation stage, a work programme and priorities within the work programmes. The main objective of pre-implementation is to achieve a state of preparedness so that Australia will be able, through its National Authority:

a) To meet the various requirements for information and data in relation to the production of chemicals relevant to the convention and to Australia's past involvement in chemical weapons;

b) To make arrangements for inspections of chemical-production facilities by the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons.

In order to achieve this state of preparedness the plan gives priority to data collection activities related to the production in Australia of chemicals relevant to the convention.

This is the most time-consuming component of the Secretariat's work because, notwithstanding the degree of regulation of the chemical industry in Australia and the amount of data already collected, data about chemicals relevant to the convention are sparse and fragmented between different agencies, particularly at the state government level.

Given the commitment to avoid duplication and additional regulation, the National Secretariat is putting considerable effort into reviewing data already collected by other agencies. This means working with the agencies of eight other governments as well as with the relevant agencies at the commonwealth level.

However, before this data review can be mounted, agreement is necessary about precisely which chemicals will be monitored in Australia for the purposes of the Convention. While this would seem to be a relatively straightforward task, it runs into the problem of the way in which chemicals are classified. As you know, the draft convention sets out the chemicals relevant to the convention in three schedules. Some of the chemicals are defined in terms of "families" or whole groups of chemicals. In order for the collection of data to begin, it is necessary for these families to be broken up into individual chemicals.

Further, in Australia different agencies use different classification systems for chemicals. For example, the Australian Bureau of Statistics uses a system of classification – for the purposes of classifying import and export data – which does not reach the level of specificity of individual chemicals as they are listed in the convention. That classification needs therefore to be modified if Australia is to be in a position to monitor the import and export of chemicals relevant to the convention.

There is also the problem of implementing the provisions of a draft convention when its schedules keep changing as a result of the negotiating process in Geneva. *Our first task* therefore is to define the chemicals relevant to the convention which Australia will monitor.

Our second task is to review the existing data collections. As discussed earlier, this involves working with a large number of agencies at both commonwealth and state government levels. It also requires an understanding of the regulatory framework which causes these data to be collected. A parallel activity therefore – and one which needs to occur before any Australian chemical weapons legislation can be considered – is to gather information about the legislation, at both the commonwealth and the state levels, regulating the chemical industry.

The third important task is to mount a survey of the Australian chemical industry. This will provide the data on production, processing, consumption, import and export of chemicals relevant to the convention needed for Australia's first declarations. The survey will also establish the National Authority's database for future data-collection activities – declarations will be required annually – and will help familiarize companies with the regular data requirements of the Authority and thus enable them to build these into their systems. The survey will also provide an indication – the first indication based on empirical data – of the scale of the implementation exercise in Australia, thereby providing a guide to the level of resources any national authority will require.

A number of tasks will be carried out at the same time. They include documenting Australia's past involvement in chemical weapons; reviewing relevant commonwealth and state legislation; and preparing government agencies for implementation.

The tasks to be undertaken once the data collection activities are completed include preparing for inspections; developing a register of chemical production facilities which would be subject to inspection; and, in the final stage, developing a package of measures, including legislation establishing the Authority, to be considered by the Government.

Consultation with the relevant parties is basic to the Secretariat's approach and we have already established a number of consultative mechanisms. They include a network of officials in the state governments, and a commonwealth interdepartmental committee on the implementation of the convention referred to earlier. Besides consulting with industry and unions directly, there is also a need for a broader consultative forum that will bring industry and union representatives together with government. We hope to form such a consultative group shortly, and in the longer term turn this group into a permanent advisory council to our National Authority.

Need for early preparation for implementation

The final thought I would like to leave with you is that implementation of the provisions of the convention is going to be a complex and time-consuming process, even without Australia's complicated constitutional arrangements. There will be, for all of your governments, the need to consult your chemical industries and to consider issues such as what kind of data-collecting mechanisms should be put in place, how inspections by the Technical Secretariat are to be carried out, the facilities that would be liable for inspection, and so forth. I would like to suggest that it is not too early for all of us to start thinking about these issues, assuming that, as I think we do, we all want to become early signatories to the convention and to see it enter into force as soon as possible.

Notes

1. The latest version of the rolling text of the convention on chemical weapons is given in the report of the Conference on Disarmament to the General Assembly (*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 27* (A/45/27), chap. III, D (pp. 73 ff.).

2. *Ibid.*, pp. 121 ff.

Regional Disarmament Efforts and Proposals to Strengthen the Non-Proliferation Regime: South-East Asian, South Asian and Pacific Perspectives

Introductory Statement on Nuclear-Weapon-Free Zones and Zones of Peace

Sola Ogunbanwo

The idea of establishing nuclear-weapon-free zones began to attract the attention of the international community in the 1950s. The concept was first introduced as a means to prevent or inhibit the further proliferation of nuclear weapons in specified geographical areas by limiting the areas in which nuclear weapons could be deployed, tested or used.

Various proposals for the establishment of nuclear-weapon-free zones have been put forward from time to time. The first concrete result of such proposals was the Antarctic Treaty, concluded in 1959, which applied a regime of denuclearization to an uninhabited area. Other agreements along the same line were the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (the outer space Treaty), which was concluded in 1967, and the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof (the sea-bed Treaty), concluded in 1971.

A major milestone was reached in 1967, when the States of the Latin American region concluded a treaty creating a nuclear-weapon-free zone on their continent, the first in a densely populated area, the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco). The title of the Treaty was amended in 1990 to include the Caribbean. A further development was the decision of Argentina and Brazil, announced through their Joint Declaration of 28 November 1990,[1] to enter into negotiations with the International Atomic Energy Agency (IAEA) and, after concluding a joint safeguards agreement with the Agency, to take appropriate action to permit the full entry into force of the Treaty of Tlatelolco for the two countries.

Sola Ogunbanwo is the Senior Co-ordinator of the United Nations Disarmament Fellowship, Training and Advisory Services Programme.

A second zone free from nuclear weapons in a populated part of the world was established in 1985 by the South Pacific Nuclear Free Zone Treaty, known as the Treaty of Rarotonga.

The concept of a nuclear-weapon-free zone was the subject of a study carried out in 1975 by an *ad hoc* group of governmental experts established by the Conference of the Committee on Disarmament. The study, entitled *Comprehensive Study of the Question of Nuclear-Weapon-Free Zones in All its Aspects,*[2] stated, *inter alia*, that the development of interest in the concept of nuclear-weapon-free zones had been and continued to be due to the desire to secure the complete absence of nuclear weapons from various areas of the globe, where conditions were suitable.[3] After examining the study, the General Assembly adopted a resolution,[4] sponsored by seven non-aligned countries (Argentina, Mexico, Morocco, Nigeria, Pakistan, Peru and Zaire) by a vote of 82 (including China) to 10 (including France, the United Kingdom and the United States), with 36 abstentions (including the Soviet Union).

The Final Document of the first special session of the General Assembly devoted to disarmament, held in 1978,[5] stated, in paragraphs 60 to 62, that the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned constituted an important disarmament measure. It also noted that the characteristics of each region should be taken into account. The Final Document also called upon the nuclear-weapon States to give undertakings, in particular, (a) to respect strictly the status of a nuclear-weapon-free zone and (b) to refrain from the use or threat of use of nuclear weapons against the States of a zone.

In order to further specify and clarify issues related to nuclear-weapon-free zones, the General Assembly decided, in 1982, at the initiative of Finland, that a new study should be undertaken to review and supplement the *Comprehensive Study* of 1975 and that it should be completed by 1984.[6]

Despite considerable efforts, the Group of Experts appointed by the Secretary-General in accordance with that resolution was not able to reconcile differences of approach to various issues that had emerged during the preparation of the study as a whole, and in particular with regard to its conclusions.

At the closure of its final session, in February 1985, the Chairman of the Group of Experts transmitted the draft text of the study as it stood to the Secretary-General and pointed out that the paragraphs still under discussion were indicated in brackets, together with proposed alternative or additional texts.

In addition to the treaties in force mentioned above, proposals for nuclear-weapon-free zones in several other regions of the world have been discussed in the General Assembly and elsewhere for almost three decades. They have concerned such geographical areas as Africa, the Balkans, Central Europe, the Mediterranean, the Middle East, Northern Europe, South-East Asia and South Asia.

The establishment of zones of peace is a relatively new conflicts and to the increasing military presence of major Powers in various seas and oceans in the world. The Final Document of the first special session on disarmament stated that the establishment of zones of peace in various regions of the world under appropriate conditions to be clearly defined and determined freely by the States concerned in the zone, taking into account the characteristics of the zone, and the principles of the Charter of the United Nations, and in conformity with international law, could contribute to strengthening the security of States within such zones and to international peace and security as a whole.[7] Examples of such zones are the 1971 Declaration of the Indian Ocean as a Zone of Peace,[8] and the 1986 Declaration of the South Atlantic as a Zone of Peace and Co-operation.[9]

Notes

1. Argentine-Brazilian Joint Declaration on Nuclear Policy, issued at Foz do Iguaçú, Brazil, on 28 November 1990 (A/45/809).
2. United Nations publication, Sales No. E.76.I.7 (A/10027/Add.1).
3. *Ibid.*, para. 82.
4. General Assembly resolution 3472B (XXX).
5. General Assembly resolution S-10/2.
6. General Assembly resolution 37/99F.
7. General Assembly resolution S-10/2, para. 64.
8. General Assembly resolution 2832 (XXVI).
9. General Assembly resolution 44/20.

The Evolution of the South Pacific Nuclear Free Zone (The Treaty of Rarotonga): An Australian Perspective

John Gee

The Asia-Pacific region has been involved in nuclear issues since the very dawn of the nuclear age in 1945. The first, and so far the only, nuclear weapons to be used in war were used by one Pacific littoral State against another.

The relative isolation of the Pacific region and its sparse population have made it attractive for the testing of nuclear weapons by the nuclear-weapon States. In the period immediately after the Second World War the United States tested nuclear weapons in the Northern Pacific region, that is, outside the zone now covered by the Treaty of Rarotonga. These tests took place at test sites at the Bikini and Enewetok Atolls in the Marshall Islands. Some 66 tests were conducted there between 1946 and 1958, including the first thermonuclear device.

The United Kingdom conducted a series of nuclear tests in Australia between 1952 and 1957, on sites at Maralinga, Emu Field and Monte Bello Island. It then moved its tests to Christmas Island, which was also used by the United States until the signing of the partial test-ban Treaty in 1963.

Between them, the United States and the United Kingdom conducted some 120 nuclear tests in the Pacific region. The majority of these were in the atmosphere, although some were conducted under water. With the signing of the partial test-ban Treaty in 1963, both

---

John Gee is Director of the Chemical and Biological Disarmament Section of the Department of Foreign Affairs and Trade of Australia.

This paper is based on the report of the Chairman of the Working Group of Officials on a South Pacific Nuclear Free Zone submitted to the Fifteenth South Pacific Forum meeting at Tuvalu in August 1985, and on an article by David Sadleir entitled "Rarotonga: In the Footsteps of Tlatelolco", which appeared in the Australian Foreign Affairs Record of September/October 1987. (Mr. Sadleir was the Chairman of the Working Group.)

countries ceased using their Pacific testing sites and United States and United Kingdom tests now occur at the Nevada test site in the United States.

These developments were of little direct consequence to the island countries of the South Pacific. The origin of their concern about nuclear issues was the decision by France, after it had been forced to abandon its Sahara test site following Algerian independence, to establish its Centre d'expérimentation du Pacifique at Moruroa Atoll in the Tuamotu Archipelago in French Polynesia in 1963. It exploded its first nuclear device there in 1966 and continues to test on a regular basis. France has carried out over 41 tests in the atmosphere and over 120 underground tests at or around Moruroa, and there seems little chance that it will discontinue testing in the region for the foreseeable future, despite repeated requests from the countries of the South Pacific region that it do so.

Development of the zone

As the opposition to French nuclear testing grew, so also did regional concern with other nuclear issues, notably the dumping of nuclear waste at sea and the implications, for regional and global security, of the proliferation of nuclear weapons. The use of Pacific Islands for atmospheric nuclear tests in the 1950s, the continuing French programme of testing, and the fear that nuclear waste would contaminate vital marine resources all combined to create, in particular among the smaller Pacific States with single-commodity economies, a general and emotional suspicion of matters nuclear and a strong wish to protect the region from what they perceived as the inevitably harmful effects of all things nuclear.[1]

At the political level, the concern was among the very first issues addressed by the South Pacific Forum, which comprises heads of government of all the independent and self-governing countries of the South West Pacific. [2]

At its 1st meeting, in 1971, the South Pacific Forum issued the following strong statement against French nuclear testing:

> "During the course of the discussion attention was drawn to the forthcoming series of nuclear tests to be conducted by France in the South Pacific. Participants expressed deep regret that atmospheric tests of nuclear weapons

> continued to be held in the Islands of French Polynesia despite the partial test-ban Treaty and the protests repeatedly made by a number of the countries attending as well as other Pacific countries. They expressed their concern at the potential hazards that atmospheric tests pose to health and safety and to marine life, which is a vital element in Islands' subsistence and economy, and addressed an urgent appeal to the Government of France that the current test series should be the last in the Pacific area."

Similar statements against French nuclear testing at Moruroa Atoll have consistently been made by the South Pacific Forum ever since. (I note in passing that the origin of the resolution on a comprehensive nuclear test-ban adopted each year by the United Nations General Assembly at the initiative of Australia and New Zealand dates from these early days of nuclear concerns in the region.)

In 1973 Australia, New Zealand and Fiji (then the only independent countries in the region) took France to the International Court of Justice over its nuclear testing programme – a step that attracted wide regional support. The outcome of that initiative was that France moved its testing underground.

This was followed in 1975 by a New Zealand proposal, commended by the South Pacific Forum, for the establishment of a nuclear-weapon-free zone in the South Pacific. The resolution adopted by the 1975 Forum was as follows:

> "In particular, the Forum emphasized the importance of keeping the region free from the risk of nuclear contamination and of involvement in a nuclear conflict and commended the idea of establishing a nuclear-weapons-free zone in the South Pacific as a means of achieving that aim."

Later in 1975 the United Nations General Assembly endorsed the aim of establishing a nuclear-weapon-free zone in the South Pacific.

In 1979, in response to reports that nuclear waste might be stored on uninhabited Pacific islands, the South Pacific Forum "strongly condemned any move to use the Pacific as a dumping ground for nuclear wastes". This attitude, as well as firm opposition to Japanese proposals to dump nuclear waste in the Pacific Ocean, were reaffirmed at subsequent Forum meetings.

It was against this background of long-standing and deeply felt regional concerns about nuclear issues, including the concept of a nuclear-weapon-free zone, that Australia revived the initiative for a

South Pacific nuclear-free zone at the 14th meeting of the South Pacific Forum held at Canberra in August 1983. No decisions on the zone were taken at that meeting, but Heads of Government commended Australia for reviving the concept and agreed that Australia should continue consultations with member countries on a bilateral basis to encourage further development of the concept of a zone.

Mandate

This process was extended by the 15th meeting of the South Pacific Forum, held at Funafuti, Tuvalu, in August 1984, which appointed a working group of officials "to meet as often as may be required to undertake an examination of the substantive legal and other issues involved in establishing a nuclear-free zone in the region with a view to preparing a draft of a treaty for consideration by a Forum Meeting in 1985".

In addition, the Forum:

- Directed the Working Group to examine the proposals by Nauru to strengthen the London Dumping Convention, noting that the dumping and disposal of nuclear waste in the region were intolerable and that Forum Governments were strongly committed to this aspect of the Convention and Protocols being negotiated under the auspices of the South Pacific Regional Environment Program (SPREP);
- Appointed Australia to the Chair of the Working Group and directed that it should be convened in consultation with the Director of the South Pacific Bureau for Economic Co-operation (SPEC);
- Decided that all members of the Forum would be entitled to take part in the Working Group.

Pattern of work

The Working Group set about its work with dispatch and was able, within seven months, to draft a treaty comprising a preamble, 16 articles and four annexes.[3] It also prepared the first draft of three additional protocols. It did this in five sessions, held between November 1984 and June 1985. In addition, a legal drafting group appointed by the Working Group met at Suva from 17 to 21 December. Apart from this single session of the Legal Drafting Group and the first session of the Working Group itself, the tasks of examining substantive issues and of legal drafting proceeded in parallel. The Working Group adopted as its basic framework the set of principles agreed on by the Tuvalu Forum. These were:

a) South Pacific countries should be free to live in peace and independence and to run their own affairs in accordance with the wishes and traditions of their people;

b) South Pacific countries should enjoy peaceful, social and economic development free from the threat of environmental pollution;

c) South Pacific countries acknowledge existing international treaties, organizations and regional arrangements, such as the Charter of the United Nations, the nuclear non-proliferation Treaty and the Law of the Sea Convention, which contribute to these objectives;

d) There should be no use, testing or stationing of nuclear explosive devices in the South Pacific;

e) No South Pacific country would develop or manufacture, or receive from others, or acquire or test any nuclear explosive device;

f) Nuclear activities of South Pacific countries should be in accordance with applicable international principles and treaties, notably the non-proliferation Treaty, and take into account regional arrangements;

g) South Pacific countries retain their unqualified sovereign rights to decide for themselves, consistent with their support for these objectives, their security arrangements, and such questions as the access to their ports and airfields by vessels and aircraft of other countries;

h) The particular importance of the principle of freedom of navigation and overflight and the Treaty obligations of Forum members.

Discussion within the Working Group was assisted by the dissemination of a number of working papers by various delegations, and of written submissions received from non-governmental bodies and private individuals. The Working Group also studied and drew on the provisions of existing international agreements prohibiting the proliferation of nuclear weapons and establishing demilitarized and nuclear-weapon-free zones, notably the nuclear non-proliferation Treaty (NPT), the Treaty of Tlatelolco, which established a nuclear-weapon-free zone in the Latin American region, the Antarctic Treaty, the sea-bed Treaty and the partial test-ban Treaty.

Examination of the issues

The Working Group saw the common wish of countries members of the Forum to establish a nuclear-free zone as reflecting broad and key concerns, including the need to prevent the region from becoming a theatre for super-Power rivalry; the need to preserve, for all time, the peace and security the region now enjoys; and the need to protect the natural resources on which the well-being and livelihood of the people of the South Pacific depend.

The countries members of the South Pacific Forum, several of which were major battlefields in the Second World War and all of which still bear emotional and physical consequences of their suffering and losses in that conflict, stressed the importance of continuing efforts – in which Forum member countries were participating in the appropriate bodies – for the conclusion of appropriate agreements, particularly against all nuclear testing and against pollution of the marine environment by nuclear waste.

It was hoped that the spirit of the South Pacific Nuclear Free Zone Treaty would be felt and affect developments far beyond the geographical, legal and substantive limits to which the actual obligations imposed by the Treaty are inevitably subject. These concerns find expression in the preamble of the Treaty, which stresses the deep interest Forum members have in the reduction and eventual elimination of all nuclear weapons and in keeping the region free of environmental pollution by radioactive wastes and other radioactive matter.

In focusing on the issues involved in establishing a nuclear-free zone, the Working Group identified a number of constraints. These constraints were of three kinds: legal, practical (in terms of verifiability), and tactical.

The legal constraints included the rights of all States in international law to the freedom of the seas and of the airspace above the high seas. Thus any attempt to ban transit through the high seas of the region by ships capable of carrying nuclear weapons would have been legally impossible. Moreover, parties to the Treaty did not have and are unlikely in the foreseeable future to have the capability effectively to monitor and verify such a ban, and an attempt to apply one would amount to no more than an exhortation leading to international scepticism about the Treaty as a whole.

Finally, the Working Group in its drafting work had to weigh up the desirability of writing a draft treaty which stood a strong chance of securing for its substantive provisions the support of most, if not all, of the nuclear-weapon States, as well as that of major potential ocean dumpers, against that of a treaty which few, if any, of the nuclear-weapon States or potential dumpers would respect and which the wider international community would not regard as a serious endeavour.

In short, the choice with which the Working Group was faced was to draft a text which, although having limitations, would none the less include strong and important prohibitions, as against a text which, though even broader in what it sought to prohibit, would in practical terms be ineffective. The general approach adopted in the Working Group was expressed in the phrase "stretching the fabric of the Treaty to its widest possible extent". The discussion in the Working Group was in large measure an exhaustive exploration of the outer limits of what it might be practically possible to achieve through a treaty of this nature.

Boundaries of the zone

The Working Group considered two approaches:

a) The "incomplete patchwork" approach, with the zone confined to the territories of countries which adhere to the Treaty; and

b) The "diagrammatic" or "picture frame" approach, with a boundary line circumscribing the Forum countries as well as large areas of high seas and abutting the existing nuclear-weapon-free zones in Latin America and Antarctica.

The diagrammatic approach was considered preferable because it was easier to visualize, clearly identified the region to which the zone is intended to apply and would contribute to the development of a mosaic of present and planned nuclear-weapon-free zones.

There was considerable discussion on what the borders of the zone should be, particularly the northern border. Extensive consideration was given to the possibility that the zone should extend well north of the equator to include the United States Trust Territory of the Pacific Islands, just as it extended east to include the French territories in the South Pacific, but in the end it was decided that the northern boundary of the zone should not go beyond the exclusive economic zones of the northernmost Forum members (Nauru and

Kiribati). This reflected concerns that inclusion of the United States Trust Territory in the zone could complicate current negotiations on the constitutional future of those territories, especially since nuclear issues were a major element in those negotiations. These considerations did not appear to apply to the French territories in the South Pacific, where the issues facing the movements for independence were different.

In the east the boundary was set well beyond the easternmost Forum member to have the South Pacific Nuclear Free Zone abut the Latin American nuclear-weapon-free zone, while to the south the boundary was set at latitude 60 degrees south to abut the zone established by the Antarctic Treaty. To the west the boundary was set at the outer limit of the Australian territorial sea in the Indian Ocean.[4]

The Working Group considered the position of territories of Forum members outside the zone. These were the Antarctic territories of Australia and New Zealand and the Indian Ocean islands of Australia. It was agreed that in view of the rigorous provisions of the Antarctic Treaty, especially its articles on verification and non-military use, it would not be necessary or desirable to apply the South Pacific nuclear free zone Treaty to these territories. As to Australia's Indian Ocean islands, the Working Group agreed that they should also be included in the zone as defined in the draft treaty, at least until such time as these territories became subject to another treaty having an object and purpose substantively the same as those of the South Pacific nuclear free zone (for example, an Indian Ocean zone of peace).

Title of the zone

Arising from discussion on the boundaries of the zone, consideration was given to whether the zone could accurately be described as the "South Pacific nuclear-free zone". Some preference was expressed for the term "Pacific", to make it clear that the equator did not restrict the zone and to reflect long-established usage in some Forum countries. As against this it was noted that general international usage was to apply the term "South Pacific" to the whole region, as reflected in the titles of the South Pacific Commission, the South Pacific Bureau for Economic Co-operation, and the South Pacific Forum.

Consideration was also given to the appropriateness of the term "nuclear-free" since it was beyond the powers of Forum members, even if they wished to do so, to exclude all things nuclear from the zone and moreover, whatever was done in the zone, it would remain part of a world in which nuclear weapons exist and peaceful uses of nuclear energy are widespread. The term "nuclear-weapon-free zone" is widely established in United Nations and other international usage (for example, for the Latin American and Antarctic zones, which do not preclude transit or visits by nuclear-armed ships), but in view of the importance attached to having the draft treaty address issues beyond those relating to nuclear weapons – notably the peaceful uses of nuclear energy and especially the dumping of nuclear waste – it seemed appropriate not to use the term "weapon" in the title.

Renunciation of nuclear explosive devices

The term "nuclear explosive device" was used so as to include so-called "peaceful" nuclear explosive devices as well as nuclear weapons since technically and in non-proliferation terms it was impossible to distinguish between them.

The Working Group agreed that parties should undertake, consistent with the NPT, not to manufacture, acquire, possess or have control over any nuclear explosive device inside or outside the zone (article 3). It was also agreed that there should be a provision against parties receiving assistance to manufacture nuclear explosive devices. In addition, it was seen as desirable for South Pacific countries to undertake legal obligations against their supplying nuclear material, equipment or technology to any country for use in explosive devices.

Facilitation clauses

Forum member countries recognized the need for treaty provisions under which parties would undertake not to facilitate activities which they did not wish to take place in the South Pacific region: the testing of nuclear explosive devices, the dumping at sea of radioactive wastes and other radioactive matter and the manufacture of nuclear explosive devices. The terms which appear in the Treaty – "not to take any action to assist or encourage" – were understood to relate to any deliberate action, either positive or permissive, to facilitate such activity. It was understood to exclude actions which had other intended purposes but might unintentionally and incidentally assist the activities mentioned. The undertaking in article 3 "not to take any action to assist or encourage the acquisition of nuclear explosive devices by any State" does not relate in any way to the attitude of Forum member countries to nuclear deterrence, since some held the view that a stable nuclear deterrence constituted the only practical point of departure for major steps towards nuclear disarmament.

Peaceful nuclear activities

Papua New Guinea, supported by some others, wanted the treaty to provide guarantees that uranium mined in Forum member countries would not be exported for use in nuclear weapons. This prompted the Working Group to define the conditions to apply to the transfer of nuclear items and to require that such transfers take place under IAEA safeguards and in accordance with strict non-proliferation conditions. It was important also, as a measure to strengthen the international non-proliferation regime, that transfers to non-nuclear-weapon States should be subject to safeguards modelled on those required of States members of the NPT – that is, full-scope safeguards.

As the only country in the zone area that currently exports nuclear material, Australia prepared a paper for the Working Group describing the stringent safeguards and other controls applying to nuclear material of Australian origin exported for exclusively peaceful, non-explosive uses. These conditions are in full conformity with the provisions of the Treaty.

Prevention of stationing of nuclear explosive devices

There was ready agreement that all Forum members should undertake to prevent the stationing of any nuclear explosive device on their territory. It was also agreed that nothing in the draft treaty should in any way affect the sovereign right of each Forum member to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation of foreign ships in its territorial sea not covered by the right of innocent passage.

The Working Group considered a number of approaches to defining the term "stationing". It was accepted that the definition should be rigorous and should cover the emplantation, emplacement, transport on land or on internal waters, stockpiling, storage, installation and deployment of nuclear explosive devices in the territories of the parties. This is more explicit than the corresponding provision in the Treaty of Tlatelolco.

Prevention of testing of nuclear explosive devices

All Forum members reaffirmed their Governments' firm opposition to the testing of nuclear explosive devices in the region and their support for a comprehensive test-ban treaty which would prohibit all nuclear testing by all States in all environments. They strongly hoped that France would sign the protocols to the treaty, thereby undertaking not to conduct nuclear tests within the zone.

There was agreement that all parties to the Treaty should undertake to prevent nuclear testing in their territories.

Prevention of dumping at sea

The set of agreed principles for a South Pacific nuclear free zone adopted by the Tuvalu Forum did not specifically include a reference to nuclear waste dumping. None the less, the continued opposition of the Forum to such dumping was strongly reconfirmed in the Tuvalu communiqué. The Forum countries were firmly committed to the early conclusion of a South Pacific regional environment programme (SPREP) convention and protocols which would, among other things, address sea dumping in the region. Accordingly, it was a central preoccupation in the Working Group to see to it that the draft SPNFZ treaty should assist rather than impede the Forum objective of ensuring that the SPREP negotiations would result in the prevention of dumping of radioactive wastes or other radioactive matter in the region.

The Working Group had an extensive discussion – which reflected the importance all Forum countries attached to the issue of dumping – on the scope for appropriate measures against dumping, and in particular on the relationship between the SPNFZ treaty and the SPREP convention in this regard.

The Working Group agreed that the SPNFZ treaty should in some way address the dumping issue and the various options were extensively explored. The SPREP negotiations in progress at that time already involved major Powers outside the region and the proposed convention covered a wide maritime area, whereas the SPNFZ negotiations were restricted to Forum members and most of its provisions applied essentially to the land territory of Forum members. The SPREP negotiations were therefore more likely to lead to a regime respected by potential dumpers. After much discussion it was agreed that the SPREP convention and not the SPNFZ treaty should be the instrument which actually established a comprehensive regime to ban the sea-dumping of nuclear waste in the region.

Concern was expressed that the SPREP negotiations should not produce less stringent provisions than might be devised among Forum members alone. The need for close consultation among Forum participants in the SPREP negotiations was recognized. It was judged that such consultations would help ensure an outcome that accorded with the commitments of the Forum members as expressed in the draft SPNFZ treaty. The draft treaty specifically binds parties to these objectives.

There was a strong wish that the terms of the Treaty should give clear expression to national policies of opposition to the dumping of radioactive wastes and other radioactive matter in the Pacific Ocean. For this reason the Treaty imposes obligations on South Pacific countries to refrain from dumping such waste and not to permit it in their territorial seas. It was acknowledged that they would not do so in any case but these provisions were seen as important for their exemplary and demonstrative effect. Provision was made to guard against any overlap of obligations between the draft treaty and the proposed relevant protocol to the SPREP convention.

Consideration was given to the possibility of a fourth protocol to the draft treaty in which potential dumpers would be invited to undertake commitments against dumping in the zone. The view prevailing in the Working Group was that this would be inconsistent with the Forum objectives of a successful outcome to the SPREP negotiations.

Disposal of nuclear waste

The Working Group was unclear as to whether it had been given a mandate by the Tuvalu Forum communiqué to address, besides the prevention of dumping of radioactive waste at sea, the disposal of radioactive waste on land or the importation of nuclear waste for disposal in the region. In the course of the Working Group's consideration of the issues the following points were made by delegations:

- The civil nuclear industry was likely to continue to expand and inevitably generate waste. Such waste needs to be disposed of in the best practicable manner;
- A ban on dumping nuclear waste at sea implies that there cannot also be a total ban on disposal of such waste on land;
- In asking other countries to refrain from dumping nuclear waste in the Pacific Ocean, Forum members were implicitly asking them to dispose of the waste on land;
- It is good practice in terms of non-proliferation and the safe management of nuclear waste that reprocessing of spent reactor fuel and other disposal arrangements should be concentrated in a limited number of locations, which presupposes international transfers, subject to the strictest possible safeguards.

Several delegations would have liked the issue to be addressed in the Treaty because to do so seemed to be consistent with the spirit of the Treaty, but they acknowledged the practical difficulty of giving effect to this wish. The possibility was recognized of including a provision to the effect that the disposal of radioactive material on land needed to be subject to strict environmental controls in accordance with international standards, notably to guard against the possible pollution of the sea. Such regulations were in fact already in force in the Forum countries that make the greatest use of civil nuclear material. Establishing the applicable environmental protection standards was seen as a matter appropriate to a more technical and possibly global rather than regional forum, and there was a concern to avoid duplication, notably with the SPREP negotiations.

Missile tests

The Working Group also addressed the issue of missile tests into the region. Various approaches were considered, including inviting nuclear-weapon States not to conduct missile tests into the zone area and including delivery systems under the definition of nuclear explosive devices in article 1 (c) of the treaty.

It was recognized that Forum members did not have the legal power to ban missile tests in the region since these were usually conducted over and into international waters. There would also be problems of verification. The inclusion of delivery systems in the definition of nuclear explosive devices would have presented serious difficulties since delivery systems capable of being used for nuclear weapons are also capable of being used with conventional warheads, and some such systems are used by at least some Forum members in their conventional defence forces. The Working Group also discussed the likely reactions of the nuclear-weapon States if the treaty were to cover missile tests. It was noted that such a provision could jeopardize acceptance of the protocols to the treaty by the nuclear-weapon States, which were likely to regard it as an attempt to restrict their rights in international law.

Verification mechanism

It was regarded as important that the draft treaty should include an effective verification system so as to provide assurances that the Treaty was not breached, and to constitute a good precedent for any future nuclear-free-zone treaties in other parts of the world.

It was agreed that the basis of the verification regime ought to be:

- The application of IAEA safeguards to verify the non-diversion of nuclear material from peaceful uses to the manufacture of nuclear explosive devices;
- A system of possible "challenge" on-site inspections controlled by a consultative committee comprising representatives of all parties to the treaty.

It was also agreed that the treaty should provide for more informal bilateral and multilateral consultations in order to clarify any questions that might arise about the implementation of the treaty.

The rationale was that these consultations would in most cases be sufficient to resolve such questions and that the proposed mechanism for "challenge" on-site inspections would only be used in exceptional circumstances.

The provision under which the parties are required to convene promptly at a meeting of the Forum in specific circumstances recognizes the role of the Forum as the supreme political body in the region. It leaves it to Forum members to decide how the meeting would be convened and other relevant modalities. The specified circumstances are an established breach of the treaty obligations, a failure to comply with the complaints procedure or a request by either the complainant or the complained-of party to go direct to the highest instance without completing the complaints procedure.

Consultations, review and amendment

It was agreed that in addition to the consultative provisions established under the control system, any party should be free to request a meeting of the consultative committee to consider any matter arising in relation to the treaty or to review its operation. This approach would mean that it was not necessary to institutionalize a regular review of the treaty. The treaty includes an amendment provision under which proposals for amendment would be considered by the consultative committee and would require consensus support in order to be adopted.

Withdrawal

The Working Group discussed whether the treaty should include a withdrawal clause. Several delegations considered that a withdrawal clause was undesirable. Other delegations argued that it was the sovereign right of a State to withdraw from a treaty. The treaty permits withdrawal only in the event of a breach of a provision of the treaty essential to the achievement of the objectives of the treaty or the spirit of the treaty, and stipulates that such withdrawal would only be effective after 12 months' notice.

Adoption of the Treaty

The South Pacific Forum Heads of Government considered the treaty and protocols at their 16th meeting in Rarotonga in the Cook Islands on 5 and 6 August 1985 and agreed by consensus to adopt the text and to open it immediately for signature. Thus on 6 August 1985 – the fortieth anniversary of the bombing of Hiroshima – eight Forum member countries – Australia, Cook Islands, Fiji, Kiribati, New Zealand, Niue, Tuvalu and Western Samoa – signed the South Pacific Nuclear Free Zone Treaty. On 16 September, the tenth anniversary of its independence, Papua New Guinea became the ninth signatory of the 13 countries eligible to sign. The Treaty of Rarotonga entered into force on 11 December 1986 with the deposit with the SPEC secretariat of the eighth instrument of ratification, that of Australia.

The Treaty has been ratified by 11 Forum members. Four Forum States have not acceded to the Treaty: Tonga, Vanuatu, the Republic of the Marshall Islands and the Federated States of Micronesia. As the Treaty is open to South Pacific Forum States only, the Federated States of Micronesia and the Republic of the Marshall Islands became eligible to sign the Treaty only upon joining the Forum at its 18th meeting at Apia, Western Samoa, in May 1987. Their capacity to adhere to the Treaty, however, is not clear.

The Protocols

The obligations in the main body of the Treaty can apply only amongst member countries of the South Pacific Forum which become parties to the Treaty, and only in regard to obligations which they assume in respect of each other. To complement these obligations, the Working Group drafted three protocols, addressed to States not members of the Forum, seeking:

a) Undertakings by France, the United Kingdom and the United States to apply key provisions of the Treaty to their territories within the zone;

b) An undertaking by the five nuclear-weapon States not to undermine the Treaty and not to use or threaten to use nuclear weapons against parties to it or the territories in a);

c) An undertaking by the five nuclear-weapons States not to test nuclear weapons anywhere within the zone.

The Heads of Government at the 1985 Rarotonga Forum directed that consultation be held with countries eligible to sign the Protocols before they were finalized. The Forum commissioned the Working Group to organize these consultations and to make recommendations to Forum leaders concerning the adoption of the protocols at the next meeting of the Forum, to be held in 1986 or earlier if practicable.

The Working Group of officials met on 4 and 5 November 1985 and agreed that the consultations should be conducted by a representative delegation visiting the five States to which it was intended the protocols should be addressed, namely China, France, the Soviet Union, the United Kingdom and the United States.

The delegation carried out the visit between 28 January and 14 February 1986. It was clear that the Treaty of Rarotonga and the regime it was designed to establish were regarded as important developments and that each of the five Governments had studied the texts of the Treaty and the draft protocols closely.

The report of the delegation was taken by the Working Group of officials at a meeting in Suva from 7 to 10 April 1986. Discussion centred particularly on the questions whether a withdrawal clause should be included in any or all of the protocols since four of the five prospective protocol States had drawn attention to the absence of a withdrawal clause and some of them had seen the omission as a serious deficiency. After exhaustive discussion the Working Group recommended to the South Pacific Forum that a clause along the following lines be included in each of the three protocols:

> "This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the depositary three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests."

The Seventeenth South Pacific Forum, which met at Suva from 8 to 11 August 1986, accepted the Working Group's recommendation that the draft protocols to the Treaty be amended by the addition of the withdrawal clause. It finalized their texts and agreed that they should be opened for signature when the Treaty came into force or on 1 December 1986, whichever came first. It further agreed that if at any future time the Forum decided to amend the Treaty in ways that might affect the obligations of States that had signed the Protocols, the Forum would, at the appropriate time, consult the States concerned. The Forum also agreed to the inclusion of a specific withdrawal clause to enable signatories to the Protocols to withdraw in the event of any unforeseen circumstances arising which would jeopardize their national interests.

The Soviet Union and China have adhered to the two Protocols open to them, that is, Protocols 2 and 3. The United States has stated that none of its practices and procedures in the South Pacific are inconsistent with the Treaty and its Protocols. The United Kingdom has announced that it would respect the intentions of the States of the region on Protocols 1 and 3. France, which continues to test nuclear weapons in the region, has formally decided not to adhere to the Protocols.

International reaction

Several major international forums have endorsed the Treaty. The Third NPT Review Conference, held in September 1985, welcomed the Treaty as "consistent with article VII of the NPT". The communiqué issued by the Commonwealth Heads of Government in the Bahamas in October 1985 characterized the Treaty as "an important step in global and regional efforts to prevent nuclear proliferation". In December 1989 the United Nations General Assembly gave strong endorsement to the Treaty through the adoption, by 151 votes to none, with 4 abstentions, of resolution 44/119 F. The Fourth NPT Review Conference, held in September 1990, noted "with satisfaction" that the Treaty had been commended by a resolution of the General Assembly at its forty-fourth session.

These developments are welcome evidence of the stature and authority of the Treaty and will continue to encourage adherence to the Treaty and its Protocols by the remaining eligible countries.

Notes

1. In addition to nuclear testing, there are a number of other forms of nuclear involvement or potential involvement in the South Pacific region. These include the following actions:

a) *Transit of nuclear weapons.* It is widely assumed that nuclear weapons are carried through the region on the submarines, surface ships and aircraft of the nuclear-weapon States, including ships and submarines making calls to port facilities in the region. The majority of these belong to the United States and the United Kingdom although there has been some speculation that Soviet submarines have used the area. The United States has declined to confirm or deny that its vessels carry nuclear weapons under its "neither confirm nor deny" policy. The United Kingdom has a similar policy.

b) *Support for nuclear forces or activities.* The Pacific region has been used by the United States, the Soviet Union and China to test new missile-delivery systems, although the United States is the only nuclear Power with a permanent missile-testing facility in the region (located at Kwajalein Atoll in the Marshall Islands). Surveillance and command, control and communcation (C^3) facilities which form part of the United States strategic C^3 system are found in several locations including Australia, New Zealand, Guam and Kwajalein.

c) *Dumping and storage of nuclear waste.* There is at present no dumping in the South Pacific, nor has there been in the past. In 1987 Japan gave assurances that it would not dump nuclear waste in the North Pacific. No nuclear waste material is stored in the area other than material that is associated with the past and present tests.

2. The members of the Forum are Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Vanuatu and Western Samoa.

3. The key provisions of the Treaty are listed in the annex.

4. The combined areas of the zone prescribed by the Antarctic Treaty and the Treaties of Rarotonga and Tlatelolco constitute two fifths or 4O per cent of the Earth's surface.

Annex

Key provisions of the Treaty of Rarotonga

The Treaty comprises 11 provisions, in accordance with which parties undertake:

- Not to manufacture, otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere inside or outside the South Pacific nuclear-free zone (art. 3);
- Not to provide any nuclear material (such as uranium) for peaceful purposes to any country in the world unless such material is covered by international safeguards to ensure that it is used only for non-explosive purposes (art. 4);
- To prevent the stationing of any nuclear explosive device in their respective territories (art. 5);
- Not to assist or encourage the testing of any nuclear explosive device by any State (art. 6);
- Not to allow testing of any nuclear explosive device on its territory (art. 6);

- Not to dump radioactive wastes anywhere within the zone (art. 7);
- To prevent the dumping of radioactive wastes and other radioactive matter by anyone in its territorial seas (art. 7);
- Not to assist or encourage anyone to dump radioactive waste anywhere within the Zone (art. 7);
- To seek to bring about a universally respected ban on sea-dumping of radioactive waste in the region (art. 7).

In addition, the Treaty explicitly recognizes (art. 5) the sovereign right of each party to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea or archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits.

Some Legal Aspects of the South Pacific Nuclear Free Zone Treaty

Don J. MacKay

The idea of nuclear-weapon-free zones began to attract the attention of the international community in the 1950s. The Antarctic Treaty, which was concluded in December 1959, established a demilitarized zone, and in so doing created the first nuclear-weapon-free zone. The Treaty of Tlatelolco, signed in 1967, was the first Treaty to establish a nuclear-weapon-free zone in a populated area.

In August 1985, the South Pacific Nuclear Free Zone Treaty, or Treaty of Rarotonga, was signed by the leaders of eight South Pacific Forum countries, 40 years to the day after the world's first nuclear weapon had been dropped on Hiroshima. It is the world's first nuclear-free (as opposed to nuclear-weapon-free) zone. Open only to member countries of the South Pacific Forum, the Treaty of Rarotonga has now been signed and ratified by 11 South Pacific Forum countries.

The South Pacific nuclear-free zone is a vast area, stretching from the west coast of Australia to the boundary of the Latin American zone in the east. It also extends from the equator to a point 60 degrees south, where the Antarctic Treaty already establishes a completely demilitarized zone covering the whole continent. The boundaries of the three zones are contiguous, forming de facto one large nuclear-weapon-free zone.

It is true that no Forum member had previously indicated a desire either to acquire a nuclear explosive device or to provide storage or stationing facilities in its sovereign territory. Indeed, few Forum members have the technical capacity to develop such devices.

However, the Treaty is an expression, in legal form, of regional sentiment. States parties are not only opposed to the presence of nuclear explosive devices in the South Pacific, they also want to preserve the fragile ecological balance which graces the South Pacific region. The Treaty of Rarotonga not only symbolizes these concerns, but gives them some legal protection.

Don J. MacKay is Director of the Disarmament and International Security Division of the Ministry of External Relations and Trade, New Zealand.

The Treaty has a preamble, 16 articles and four annexes. Under the terms of the Treaty, the parties make a number of pledges to one another.

In article 3 they undertake not to possess, manufacture or acquire nuclear explosive devices anywhere.

In article 4 they agree to conduct any peaceful nuclear activities in accordance with strict non-proliferation measures; to provide assurances of exclusively peaceful non-explosive use; and to support the effectiveness of the international non-proliferation system based on the non-proliferation Treaty and the safeguards system of the International Atomic Energy Agency (IAEA).

In articles 5 and 6 they undertake to prevent the stationing and the testing of nuclear explosive devices in their territory.

In article 7 they pledge themselves not to dump radioactive waste at sea in the zone.

In article 8 they pledge themselves to take measures, including the application of full-scope IAEA safeguards to all peaceful nuclear activities in their territories, to prevent the diversion of fissionable material to non-peaceful purposes.

The obligations not to manufacture, acquire, possess or test nuclear explosive devices, or to aid others in so doing, or to allow nuclear explosive devices to be stationed in national territory, are all relatively standard.

Most are characteristic of nuclear-free-zone treaties and proposals, and all of these, except for article 7, are to be found in the 1968 Treaty on the Non-Proliferation of Nuclear Weapons.

However, the Treaty of Rarotonga has some features which are not characteristic of other nuclear-free-zone treaties:

- It prohibits the manufacture, acquisition, possession or control of "any nuclear explosive device", and so includes peaceful nuclear explosive devices in its ambit.
- It prohibits the stationing of nuclear explosive devices in the territory of States parties, and, in a novel approach, stationing includes transportation on the "inland" waters of those States.
- It includes provisions preventing the dumping of nuclear wastes at sea.

I will now examine each of these somewhat unusual aspects of the Treaty of Rarotonga.

"Nuclear explosive devices"

The Treaty of Rarotonga prohibits "nuclear explosive devices" rather than "nuclear weapons". It does not distinguish between devices which have military purposes, and those for which a peaceful purpose is claimed.

The manufacture of a nuclear explosive device for civilian purposes requires the same techniques and materials as the manufacture of a device for military purposes. Possession of a nuclear device for peaceful purposes is therefore ambiguous, and likely to cause apprehensions among neighbours. It could also encourage the regional proliferation of nuclear materials and technology.

Unlike the Treaty of Tlatelolco, therefore, the Treaty of Rarotonga explicitly creates a nuclear-free zone rather than a nuclear-*weapon*-free zone.

Stationing of nuclear devices: "inland waters", and the right of innocent passage

The Treaty of Rarotonga prohibits the stationing of nuclear explosive devices within national territory, and the stationing prohibition includes "inland waters" as well as territorial seas.

The term "inland waters" is not in common usage in international law. Its use in the Treaty distinguishes transportation on lakes, water courses and rivers ("inland waters") from transportation in "internal waters", a more generally understood term describing those maritime areas, such as ports, within the boundary from which the limits of the territorial sea and exclusive economic zone are drawn.

It ensures that any hypothetical deployment system sited on, or in, lakes, rivers and canals will be prevented by the prohibition on stationing.

However, when might the presence of a nuclear explosive device within the zone amount to stationing? Can a legitimate distinction be drawn between transit through, and deployment within, the zone? To what extent can, or should, zonal States prohibit the carriage of nuclear explosive devices through the zone, including through territory under their jurisdiction?

There is no doubt that States parties themselves cannot transport nuclear explosive devices in vehicles or vessels under their jurisdiction or control, because this could be interpreted to imply possession. Nevertheless, the Treaty does not purport to interfere with the freedom of the seas, including the freedom of navigation on the high seas and in exclusive economic zones, or rights of passage in territorial seas, archipelagic waters and international straits.

Indeed, article 2, paragraph 2, of the Treaty explicitly disclaims any such effect. And article 5, paragraph 2, specifically allows each party to decide for itself whether to allow port or airfield visits, transit of its airspace, or navigation in its territorial sea or archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea-lane passage or transit passage of straits.

It is possible, therefore, that a nuclear weapon or other explosive device will be within the territory of a State party with its acquiescence. So long as the visit, transit or navigation is not of a character that is covered by the definition of stationing, the prohibition in article 5, paragraph 1, will not have been breached.

Dumping of radioactive waste at sea

The Treaty also extends the usual nuclear-free-zone formula to include the disposal of radioactive waste.

Although the Antarctic Treaty prohibits the disposal of radioactive waste in the area of application of that Treaty, this kind of provision has generally been seen to be more appropriately embodied in a treaty on the environment than in a treaty dealing with nuclear disarmament.

However, the Treaty of Rarotonga was created to deal with regional environmental concerns as well as with regional security and arms control issues. Article 7 of the Treaty prohibits parties to the Treaty from dumping radioactive waste into the sea in the area covered by the zone, and charges them with the duty not to assist or encourage the dumping of radioactive waste by anyone anywhere in the zone.

The decision to include article 7 reflects the concern of the South Pacific Forum that the region should not be used as a dump for the world's radioactive wastes, but the article is not designed to affect only dumping from outside of the region. The radioactive waste generated by several Forum members by medical, industrial and research activities has to be disposed of in a place other than the seas of the zone.

However, the Treaty of Rarotonga covers only the actions of the parties, and serves to prohibit the dumping of radioactive materials by others only in the territorial waters of the parties. Therefore, parties also committed themselves to negotiations between all members of the South Pacific Commission (a region-wide organization including France, the United Kingdom and the United States, which still administer territories in the South Pacific) for a convention containing a generally accepted prohibition on dumping throughout much of the region.

Those negotiations led to the adoption of the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, which was signed in November 1986. Article 10 of that Convention contains a general prohibition on the dumping of radioactive wastes in the area governed by the Convention. The SPREP Convention, as it is called, has been signed and ratified by New Zealand, Australia, the Cook Islands, Western Samoa, Fiji, the Marshall Islands, Papua New Guinea, the Solomon Islands, the Federated States of Micronesia, and France.

Compliance, withdrawal and the Protocols

There are three other aspects of the Treaty which should be commented upon, not because they are unusual, but because they complete this snapshot of the Treaty of Rarotonga. They are compliance, withdrawal, and the Protocols.

Compliance

A comprehensive control system has been provided to verify *compliance* with the Treaty, and there are mechanisms, including provision for mandatory on-site inspection, to investigate any complaints which may be made about compliance.

There is a saying that the road to hell is paved with good intentions: so too the road towards effective arms control arrangements. Good intentions are not enough. In order to be effective, the Treaty of Rarotonga needs to have mechanisms to verify that the parties are complying with the terms of the Treaty.

The 1975 report of the United Nations *Ad Hoc* Group of Qualified Governmental Experts for the Study of the Question of Nuclear-Free Zones said such arrangements had to "contain an effective system of verification to ensure full compliance with the agreed obligations".[1] Unlike the Treaty of Tlatelolco, the Treaty of Rarotonga does not establish a permanent secretariat responsible for verification activities or administrative tasks. Instead, these are entrusted to the Director of the South Pacific Bureau for Economic Co-operation, the organization which serves as the secretariat to the South Pacific Forum.

The Director has administrative responsibilities under the control system established by the Treaty to verify compliance. That system includes:

- Reports by a party of any significant event within its jurisdiction affecting the implementation of the Treaty, and exchanges of information on matters arising under the Treaty;
- Consultations among parties through the mechanism of a consultative committee, to be convened by the Director from time to time, to consider any matter arising under the Treaty, or to review its operation;
- The compulsory application of IAEA safeguards to peaceful nuclear activities;
- A complaints procedure.

The complaints procedure provides for any complaint to be considered by the representative Consultative Committee, and for special inspections (if warranted), with liberal access to the territory of the party about whom the complaint has been made.

Any decision upheld by the Consultative Committee will require the parties to convene promptly at a meeting of the South Pacific Forum. Such a meeting can also be called by either of the two parties concerned, or in the event of non-compliance with the complaints procedures.

It is a reflection of the South Pacific way of doing things – a way based on dialogue and a search for consensus – that there is no automatic sanction put into effect if the Treaty is breached. Instead, the matter is removed to the political arena at the region's highest political level.

Withdrawal

There are also provisions for review, amendment and withdrawal, and for the boundaries of the zone to be extended as further countries join the Forum.

To underline the serious nature of the commitment undertaken by the States parties to the Treaty of Rarotonga, *the right of withdrawal* from the Treaty is not unfettered and can be effected only on giving 12 months' notice. A State can withdraw solely "in the event of a violation by any party of the provisions of the Treaty essential to the achievement of the objectives of the Treaty or of the spirit of the Treaty".

Protocols

As well as the Treaty itself, there are *three Protocols*. These are open to signature and ratification by the five nuclear-weapon States.

Before adopting the protocols, the Forum decided that all the countries eligible to sign them should be consulted as to their content. These consultations took place early in 1986, when a delegation of officials from Forum countries visited the capitals of all five nuclear-weapon States to explain the protocols and their purpose.

The Seventeenth South Pacific Forum, held in Suva, subsequently adopted the protocols with slight amendments, including the insertion of withdrawal clauses, and they were opened for signature on 1 December 1986.

The effect of Protocol 1 is similar to that of Additional Protocol 1 of the Treaty of Tlatelolco. It is open for signature by France, the United Kingdom and the United States, the only three States "internationally responsible" for territories within the zone – Pitcairn Island, which is administered by the United Kingdom; American Samoa and Jarvis Island, which are administered by the United States; and New Caledonia, Wallis and Futuna Islands and French Polynesia, which are administered by France.

Under Protocol 1, the three nations are invited to apply the basic provisions of the Treaty to their respective territories.

Protocols 2 and 3 provide for the nuclear-weapon States to agree not to use or threaten to use nuclear explosive devices against any party (or territory in the zone of a party to Protocol 1), and to undertake not to test nuclear explosive devices in the zone.

Protocol 2 is similar in effect to Additional Protocol II of the Treaty of Tlatelolco. Upon becoming a party to the Protocol, a nuclear-weapon State would undertake not to use or threaten to use a nuclear explosive device against parties to the Treaty or territories within the zone for which a State which is party to Protocol 1 is internationally responsible.

The five nuclear-weapon States have already given general negative security assurances along these lines to the non-nuclear-weapon States, but they differ in their extent and effect. Only the Chinese guarantee is unconditional. None of these declarations is enshrined in treaty form. The Treaty of Rarotonga therefore seeks to standardize the negative security assurances of all five nuclear-weapon States, at least in so far as they relate to the countries of the South Pacific, and to give them some formal legal status.

Protocol 3 has no direct equivalent in the Additional Protocols to the Treaty of Tlatelolco. Nuclear-weapon States which become parties to it will undertake not to test any nuclear explosive device anywhere within the zone, not just within the territories subject to Protocol 1.

Protocol 3 represents the one initiative by the Forum in the South Pacific Nuclear Free Zone regime that is directly aimed at securing acceptance by the nuclear-weapon States of restraints of their activities on the high seas. In practical terms, Protocol 3 requires a substantially new undertaking only by France and China, as the other nuclear-weapon States are parties to the 1963 partial test-ban Treaty, which already bans testing over or under water, including territorial waters or high seas.

Unfortunately, despite consultations with the five nuclear-weapon States, the United States, the United Kingdom and France have declined to sign any of them. The Soviet Union and China have signed and ratified both Protocols 2 and 3. Not having any territory within the zone, they are not eligible to sign Protocol 1.

The United States declared in 1987 that in view of its global security interests and responsibilities, it was not, "under current circumstances", in a position to sign the Protocols. The decision was made "in view of the United States' global security interests and responsibilities". This decision was disappointing. The United States has ratified both Additional Protocols to the Treaty of Tlatelolco. It also participated in the first special session of the United Nations General Assembly on disarmament held in 1978, and was party to the consensus Final Document in which the Assembly recognized that the "establishment of nuclear-weapon-free zones on the basis of agreements or arrangements freely arrived at among the States of the zone concerned ... and respect for such zones by nuclear-weapon States constitute an important disarmament measure".

Nevertheless, the United States has not foreclosed its option to adhere to the protocols at a later date, and has publicly noted that "United States practices and activities in the South Pacific region are not inconsistent with the Treaty or its Protocols".

One month after the United States declaration, the United Kingdom announced that the British national interest would not be served by its becoming party to the Protocols, but added that it would respect the intentions of regional States on Protocols 1 and 3. In other words, it would not make, test or base nuclear weapons in its one remaining territory in the region (Pitcairn Island), nor would it test nuclear weapons in the South Pacific.

However, France, which does test weapons in French Polynesia, has formally decided not to adhere to the Protocols.

It is disappointing that France, the United States and the United Kingdom have not signed the Protocols, especially in view of the fact that each Protocol contains a broad right of withdrawal, included at the suggestion of the three Powers during the consultation process.

Nevertheless, Forum members are not too disheartened. The Additional Protocols of the Treaty of Tlatelolco have not yet been fully ratified, 20 years after they were adopted, and it took several years before many of the eligible countries finally became parties to them. Members of the Forum will continue their efforts to obtain wider signature of the protocols.

Conclusion

This paper has concentrated on the nature of the South Pacific Nuclear Free Zone Treaty, and the legal obligations it invokes. However, the Treaty has to be seen in a much wider regional and global context. It represents a regional response to issues of arms control and disarmament. The preamble of the Treaty makes it clear that the South Pacific States parties to this Treaty believe that all countries must make every effort to eliminate nuclear weapons. They also believe that regional arms control measures can contribute to global efforts to reverse the nuclear arms race.

It demonstrates the concern the countries of the South Pacific have to protect the fragile ecosystem of the region and the globe. They are determined to keep the region free of environmental pollution by radioactive wastes and other radioactive matter.

It stands for the South Pacific way of doing things. The idea of a nuclear-weapon-free zone first came up over 20 years ago, and the Treaty of Rarotonga reflects the emergence of the South Pacific Forum as a mature, assertive and responsible regional authority, able and willing to work for regional consensus and dialogue, and able to project its views onto the wider stage.

Finally, the Treaty of Rarotonga represents the connection the countries of the South Pacific have with the rest of the global community.

It is no coincidence that the preamble to the Treaty reaffirms the importance of the non-proliferation Treaty, and refers to article VII of the NPT, which recognizes the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories. Nor is it a coincidence that the parties to the Treaty affirm their "commitment to a world at peace", "believing that regional arms control measures can contribute to global efforts to reverse the nuclear arms race and promote the national security of each country in the region and the common security of all".

The Treaty of Rarotonga is therefore a legal document, but it is also a symbol of the range of relationships which characterize the global community. It is also an attempt by one small part of the world to make a contribution to the survival of that community.

Notes

1. See *Comprehensive Study on the Question of Nuclear-Weapon-Free Zones in All Its Aspects: Special Report of the Conference of the Committee on Disarmament* (United Nations publication, Sales No. E.76.1.7), annex 1, chap. V.

Proposals Relating to the Establishment of a South-East Asian Nuclear-Weapon-Free Zone

Purbo S. Soewondo

Introduction

Since the end of the Second World War more than 100 non-nuclear wars have been fought. Moreover the international community has seen the development of an alarming nuclear arms race, which is undermining the prospects for nuclear peace throughout the world.

The super-Powers regard nuclear weapons as their main strategic instruments and as their primary means of confrontation. In view of the technological innovations that have been under way for decades, the race between the super-Powers has entered an especially dangerous phase with the "vertical proliferation" of nuclear weapons.

The first proposals dealing exclusively with nuclear-weapon-free zones (NWFZs) were put forward in the five-nation Sub-Committee of the Disarmament Commission, which, in 1952 had replaced the Atomic Energy Commission and the Commission for Conventional Armaments, the original bodies established by the United Nations in the late 1940s to deal with disarmament.

The idea of NWFZs originated with the realization that a number of States in various regions of the world had the capacity to develop a nuclear capability within a relatively short period and that it was possible that more States might decide to do so. Should this occur, it could present new threats to States in areas that are, at present, free of nuclear weapons. Experts foresee "a precipitation of a ruinously expensive and perilous nuclear arms race in those areas and add new dangers of nuclear war to an already dangerous world situation".

Another reason for the increased interest in denuclearized zones derives from the rapid rise in the use of nuclear energy for peaceful purposes and the possibility that the technology could be

Lieut. Gen. Purbo S. Soewondo (ret.) was formerly Ambassador and Deputy Permanent Representative of Indonesia to the United Nations, New York. He is presently a lecturer at the University of Indonesia in Jakarta.

adapted for military purposes. The spent fuel from nuclear reactors contains plutonium, which can be isolated in nuclear reprocessing plants and used to produce a nuclear weapon. Among the most urgently sought of these collateral measures were those to keep nuclear weapons from proliferating outside the so-called "nuclear-weapon States" such as the United States, the USSR, the United Kingdom, France and China. Both "horizontal" and "vertical" proliferation constitute a grave threat to the security of mankind, inasmuch as they greatly increase the probability of the outbreak of a nuclear war. Referring to the widespread use of nuclear power "in all its ramifications", the Secretary-General of the United Nations stated:

> "In this situation, where the danger of nuclear proliferation has increased, it is essential that suppliers and receivers of nuclear installations apply the requisite rules to prevent a proliferation of nuclear weapons technology."[1]

Despite the lofty goals pursued by the non-proliferation Treaty, States have different views on its implementation, reflected in several groupings of those States:

1. States parties to the NPT: as of 1 January 1990 the States parties to the NPT numbered 141, including:
   a) Nuclear-weapon States: the United States, the United Kingdom, and the USSR;
   b) Non-nuclear-weapon States;
2. Threshold States: States non-parties to the NPT but having many major nuclear facilities not under the IAEA safeguards system even though, formally, they are non-nuclear-weapon States. These are: Argentina, Brazil, India, Pakistan, Israel and South Africa;
3. Nuclear-weapon States non-parties to the NPT which nevertheless act and behave as though they were parties to it. These are: France and China;
4. A non-nuclear-weapon State, party to the NPT and with a NPT safeguards agreement in force: Indonesia.

Views expressed in the United Nations

Throughout most of the 1950s, measures for nuclear disarmament remained part of comprehensive plans relating to armed forces and conventional arms and requiring execution in specific stages. Given the diversity of weapons and forces and the differing views of nations on their security needs together with the political tensions of the period, broad-based agreements were difficult if not impossible to achieve. Thus, while comprehensive disarmament remained a long-range goal of the United Nations, the view emerged that immediate and partial measures that would increase confidence and create a more favourable atmosphere for overall disarmament should be pursued. This approach, which the General Assembly commended to the disarmament negotiating bodies, began to prevail in the late 1950s. Among the most urgently sought of these collateral measures were those designed to keep nuclear weapons from proliferating.

Regarding the desirability of nuclear-weapon-free zones, the United Nations Secretary-General stated:

> "In a period where the widespread knowledge of nuclear technology and huge quantities of fissionable material are becoming available, nuclear-weapon-free zones provide the best and the easiest means whereby non-nuclear-weapon States can, by their own initiative and effort, ensure the total absence of nuclear weapons from their territories and enhance their mutual security. They can also provide a logical basis for promoting the peaceful uses of nuclear energy within the zone by facilitating the establishment of regional or international fuel cycle centres with their attendant economic and physical security benefits for extracting uranium, fabricating nuclear fuel, reprocessing plutonium and handling nuclear waste. Above all, they can provide the means for obtaining security assurances from the nuclear Powers never to use or threaten to use nuclear weapons against Member States in the zone."[2]

The United Nations *Ad Hoc* Group of Governmental Experts was set up under the auspices of the Conference of the Committee on Disarmament (CCD) to make a comprehensive study of the establishment of nuclear-weapon-free zones in all its aspects. The experts stated that the premise upon which any zone must be based "will be the conviction of States that their vital security interests would be enhanced and not jeopardized by participation".[3]

The United Nations General Assembly considered the expert study at its 1975 session and in its resolution 3472 A (XXX) of 11 December 1975 commended it to the attention of all Governments, IAEA and other concerned international organizations. In its resolution

3472 B (XXX) of 11 December 1975 the Assembly defined the concept of a nuclear-weapon-free zone as follows:

> "A 'nuclear-weapon-free zone' shall, as a general rule, be deemed to be any zone, recognized as such by the General Assembly of the United Nations, which any group of States, in the free exercise of their sovereignty, has established by virtue of a treaty or convention whereby:
>
> "a) The statute of total absence of nuclear weapons to which the zone shall be subject, including the procedure for the delimitation of the zone, is defined;
>
> "b) An international system of verification and control is established to guarantee compliance with the obligations deriving from that statute."

In the same resolution the General Assembly also set out the principal obligations of nuclear-weapon States towards zones and the States included in them. It stated that in every case of a nuclear-weapon-free zone recognized as such by the General Assembly, all nuclear-weapon States should undertake or reaffirm, in a solemn international instrument having full legally binding force, such as a treaty, a convention or a protocol, the following obligations:

> "a) To respect in all its parts the statute of total absence of nuclear weapons defined in the treaty or convention which serves as the constitutive instrument of the zone;
>
> "b) To refrain from contributing in any way to the performance in the territories forming part of the zone of acts which involve a violation of the aforesaid treaty or convention;
>
> "c) To refrain from using or threatening to use nuclear weapons against the States included in the zone."

At its 1976 session the General Assembly in its resolution 31/70 of 10 December 1976, reiterated its conviction that the establishment of nuclear-weapon-free zones could contribute to the security of zone members, to the prevention of the proliferation of nuclear weapons, and to the goals of general and complete disarmament.

The establishment of NWFZs based on the Treaties of Tlatelolco and Rarotonga can be seen as the implication of article VII of the NPT.

Problems and prospects of article VII of the NPT on a NWFZ

The NPT is based on the questionable assumption that at least some degree of separation is possible between peaceful and military nuclear technologies. It prohibits States parties from transferring nuclear weapons to other States and from manufacturing them if they do not already have them, but it leaves everyone free to develop a "peaceful" nuclear capability.

Article VII of the NPT states:

> "Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories".[4]

Accordingly, Indonesia also submitted several proposals to be included in the Final Declaration relating to article VII of the NPT, reflecting its interest in the establishment of a nuclear-weapon-free zone in South-East Asia (SEANWFZ).

The most alarming aspect of nuclear proliferation is that it has been spurred also by private business, as well as by the policies of the Governments, although these are involved in nuclear deals by virtue of their control over atomic energy establishments in their own countries. The German-South African nuclear deal is an example of the way in which this can happen. By the end of the 1970s, about 90 nuclear power reactors had been, or were being, constructed abroad by the major nuclear exporters, with a total electrical generating capacity of about 50,000 megawatts. These exports are worth some $20,000 million and the fuel contracts that normally go with the reactors more than double that amount. While reactors remain the dominant item on the international nuclear market, all other parts of the fuel cycle have now entered the commercial realm. In that respect, Germany and France have taken the lead. The transfer, by the (then) Federal Republic of Germany, of nuclear enrichment technology to South Africa, as documented by some experts, and its sale of the complete nuclear fuel cycle to Brazil, and the French deal with Iran constitute the most serious loopholes in the international safeguards system.

Like Israel, Pakistan and South Africa, India is among the group of States in which certain nuclear activities are not under IAEA safeguards. On 18 May 1974, India shocked the world with a nuclear explosion. Nuclear experts observed that India was the first third world country to demonstrate a nuclear-weapon capability, but India was by no means the only possible candidate, third world or otherwise. The Indian move was far from unexpected but it was none the less profoundly disturbing. For its part, India had never concealed its distaste for the non-proliferation Treaty. To India, the Treaty represented an attempt on the part of the nuclear-weapons Powers, especially the United States and the USSR, to calcify the *status quo*, to preserve their enhanced international status while in no way restricting the continuing growth of their own nuclear arsenals or committing them to any significant effort towards disarmament.

In this connection it is interesting to study the proposals on the establishment of a NWFZ in some parts of the world, for example the Mediterranean, Northern Europe and South Asia. Thus,

> "The General Assembly first considered the question of a denuclearized zone in South Asia in 1974, at the request of Pakistan, which saw an urgent need for such a zone.
>
> "In the debate, Pakistan noted that all the States of the region had already expressed opposition to the acquisition or introduction of nuclear weapons.
>
> "In particular, it pointed out that India, both before and after the 1974 explosion of its nuclear device, had indicated that it would not develop or acquire nuclear weapons.
>
> "India made clear its support for the principle of establishing nuclear-weapon-free zones, provided that suitable conditions existed in a particular region and that the proposal was initiated and agreed to by the countries of the region. India believed, however, that South Asia could not be treated in isolation, as it was only a subregion, an integral part of the region of Asia and the Pacific. The existence of nuclear weapons in the region and the presence of foreign military bases in the Indian Ocean complicated the whole security environment and made the situation inappropriate for the establishment of a nuclear-weapon-free zone there, according to India.
>
> "Two separate resolutions submitted by India and Pakistan, closely reflecting their different positions, were both approved by the General Assembly in 1974. By the resolution initiated by India, the General Assembly decided to give due consideration to any proposal for the creation of a

> nuclear-weapon-free zone in an appropriate region of Asia, after it had been developed and matured by the countries of the region. By the resolution initiated by Pakistan, the General Assembly urged the States of South Asia to begin consultations for the purpose of establishing such a zone and, in the interim, to refrain from any actions contrary to the achievement of that objective.
>
> "In 1975 two resolutions, presented by India and Pakistan respectively, were adopted on the question. Since 1976, one resolution has been adopted each year, initiated by Pakistan alone.
>
> "During the debates in the General Assembly, since 1974, Pakistan has consistently maintained that the generally recognized conditions for the establishment of a nuclear-weapon-free zone exist in South Asia; all the States of the region have already declared their opposition to the acquisition of nuclear weapons or to their introduction into the region, and the five States possessing nuclear weapons have, in principle, indicated their support for, or acceptance of, the concept of establishing nuclear-weapon-free zones. India's viewpoint is that the idea of a nuclear-weapon-free zone has become unrealistic and that the movement and deployment of nuclear weapons in various regions of the world by the nuclear-weapon States are fundamentally irreconcilable with the very idea of nuclear-weapon-free zones.
>
> "At the second special session of the General Assembly on disarmament, in 1982, India's Foreign Minister stated that his country could not subscribe to the legitimization of the possession of nuclear weapons by a few Powers by agreeing to live under their professedly benign protection in the guise of a nuclear-weapon-free zone".[3]

In 1960, after France conducted its first nuclear test explosions in the Sahara, several African countries launched their efforts to make Africa a nuclear-weapon-free zone.

At a 1964 summit conference the Heads of State and Government of the Organization of African Unity (OAU) approved the "Declaration on the Denuclearization of Africa". The United Nations General Assembly, in various resolutions since 1961, has particularly stressed the responsibilities of nuclear-weapon States towards the continent of Africa. France has declared its readiness to respect the intentions of the African States to have a denuclearized status. (France continues to have its nuclear tests in the Pacific Ocean.) In 1976, the General Assembly reaffirmed its call upon all States to respect the Declaration on the Denuclearization of Africa, and it appealed to all States not to deliver to South Africa any equipment, fissionable material or technology that would enable the South Africa regime to acquire a nuclear-weapon capability.

In 1970, the South African Prime Minister announced an important event for South Africa, a new process for enriching uranium that might increase its export earnings from uranium and contribute to a very modern nuclear programme. Some Western nuclear experts observed that seven years after the announcement came the warning from Soviet Union satellites, confirmed by intelligence sources in France and the United States, that South Africa had a nuclear-weapon-testing site. South Africa has become a threat to non-proliferation.

First, it is a major producer of uranium, with a strong interest in dealing with countries such as Israel, Iran, Brazil, France and others which place high priority on obtaining an "independent nuclear capability".

Secondly, it had at that time the world's only unsafeguarded enrichment plant outside the existing nuclear Powers. Not only is the plant itself not safeguarded, but there can be no question of safeguards on the raw material fed into it for enrichment, since South Africa produces its own uranium and can carry out every stage in its processing, from extraction to final enrichment. At that time, South Africa was the third largest supplier of uranium in the Western world and it has a large nuclear research establishment. Later it planned to build two new nuclear power reactors under the IAEA safeguards. Well-informed sources have suggested that the main Western nuclear Powers have provided the hardware, the fissile materials, the technology and the finance which have enabled South Africa to build a nuclear weapon. It is assumed that political and economic considerations have played an important role in this case. Could this happen also in the Asia-Pacific area?

The United States-Soviet Union *détente* and other changes in the international environment

Under the pressure of changing international political, economic and structural conditions, the familiar "cold-war period" strategic premises, alignments and prospects are expected to change considerably in the future between the so-called Western and Eastern blocs. As a Western expert has observed, these changes have engendered new and, as yet, not fully assessed relationships between and among military forces, nuclear and conventional, offensive and defensive, and virtually certain reductions of nuclear and non-nuclear forces. Besides the progress of East-West *détente*, however, the advanced military technology and weaponry will become increasingly available to the third world countries while some of those countries will also develop indigenous arms industries with export capacity. The United States-USSR power rivalries in the East-West confrontation and the changes of the post-perestroika strategic conditions have forced new thinking as regards joining non-military with military instruments of national influence, exploring the possible implications of more extensive cooperation between the two global super-Powers to adapt to a more complex and demanding strategic environment in a "less ideological" world framework. As a well-known Western scholar has observed, the traditional Western strategic premises have identified the Soviet Union as the principal enemy, and in this context Western strategy as seen from the Western perspective was "(a) strategically defensive, (b) primarily based on deterrence of conflict, especially that with direct possibility for bringing the super-Powers into head-on collision, and (c) politically determined to restore peace on favourable terms (usually defined as the '*status quo ante bellum*')". This broad strategy is implemented, among other things, by forward deployments of United States forces in Europe and Asia. Deterrence of the use of nuclear weapons against any State, in any region, by the Soviet Union and the United States (and their respective allies) held highest priority. This priority contributed greatly to an early Western decision to build nuclear-weapon systems of from relatively close ground-combat to intercontinental range.

The East-West relations (in cold-war terms) of the 1970s were characterized by indefinite efforts to manage threats, worst-case planning for war in Central Europe, and the troubling possibility of nuclear weapons, the possibilities of averting United States-Soviet Union confrontation in third areas or of turning the influence, resources and attention towards increasingly urgent international concerns not directly affecting central military relationships. Growing international economic interdependence, coupled with an increase in the applicability as well as the effectiveness of economic strength as contrasted with sheer military power, diffusion of power in the world and the relative decline in the ability of the super-Powers to determine or to influence in some political, economic or military affairs (*inter alia*, forward deployments of nuclear and non-nuclear forces, and the maintenance of global maritime superiority) are the general global trends which have engendered many changes.

These changes, coupled with the economic realities facing East, West and third world countries, and national leadership adjustments accompanying generation transitions will influence the growing role of the "economic influence" of nations. This growing importance of economic influence in the future will determine those nations whose interests and views must be taken seriously into account. The cold-war strategic premises of both East and West will most likely be abandoned gradually in the face of political, economic and technological changes. As a Western expert predicts, there will probably be a substantial shift in the strategic planning from a central front war involving the Soviet Union to middle- and low-intensity warfare in third areas. United States and Soviet Union military forces, especially nuclear forces, will undergo sharp reductions but on the whole much more slowly than was expected. But third world forces in some regions (for instance India and Pakistan) will continue to modernize and increase in quantity and quality, with the possibility of an increase of strategic significance.

Following those changes in the relations between the United States and the Soviet Union, what will be the future implications in South-East Asia? Do they both still want to maintain a maritime force with global offensive capabilities with the necessary forward bases and sea lines of communication, especially for their nuclear submarines? In spite of numerous and rapid changes, positive answers conducive to the establishment of a NWFZ in South-East Asia or elsewhere still remain to be seen and will influence their positions with regard to those efforts. With the dramatic changes in the post-cold-war strategic relationship between the United States and the Soviet Union, the armed conflicts that still exist in the Middle East and Asian regions can no longer be attributed to the super-Powers or major Powers.

The settlement of regional conflicts will become predominantly the responsibility of the regional Powers and of the regional capability to manage these conflicts. For the South-East Asian region, the security and stability has been weakened by the Cambodian conflict as a major factor in the regional endeavours by ASEAN to realize the zone of peace, freedom and neutrality. On the one hand, the issue of the

United States and Soviet military facilities will become less relevant considering the stages of *rapprochement* between the super-Powers. The Soviet Union has indicated that it will withdraw from its military facilities in Cam Ranh and Da Nang, while the United States is still negotiating on the issue of military facilities in the Philippines. Both are looking for ways to balance their military presence in the South-East Asian region and their national interests, which does not mean, however, the termination of their overall global strategic capabilities. On the other hand, the South-East Asian waters will continue to be the main sea lines of communication between the Indian and Pacific Oceans, between the Persian Gulf and North-East Asia and between Vladivostok and the Black Sea. Therefore the proclamation of South-East Asia as a nuclear-weapon-free zone will face far more objections than did the proclamation of the South Pacific Nuclear Free Zone.

In connection with the anticipation of peculiarly regional imperatives which militated against the prospect of significant changes in the Asia-Pacific region such as had occurred in Europe, many pressing questions are still open as regards the security impact of relations between the major Asia-Pacific Powers on the one hand and South-East Asian countries on the other.

Those questions require a thorough understanding by the South-East Asian States of the militarily significant Powers in the Asia-Pacific region, which have become closely involved in the security and stability of South-East Asia, through the perceptions of South-East Asian States as well as the realities that have a bearing on regional inter-State relations.

Other questions could be raised with regard to how the major Asia-Pacific Powers will influence strategic developments within South-East Asia.

The sweeping changes in Eastern Europe and the Soviet Union will compel South-East Asian countries to pay special attention to the nature of domestic political and socio-economic developments in the major Asian Powers as well as in the South-East Asian countries.

The London Suppliers Group and the Zangger Committee

The suggestion that some kinds of nuclear support should be unilaterally withheld from some prospective clients was greeted with rage and fury by the prospective clients in question, mainly third world countries. Some nuclear-weapon Powers expressed concern about possible weapons developments in other countries – not least because the existing weapons Powers had shown not the slightest evidence of compliance with article VI of the NPT, calling for a serious attempt to achieve disarmament.

Be that as it may, the nuclear-exporting countries were already taking steps to bring matters back under control. In conditions of great secrecy, they convened a series of meetings of what became known as the Nuclear Suppliers Group; it was also called the London Suppliers Group, with reference to the venue of the top-secret meetings. Participants included the seven leading nuclear exporters – the United States, the USSR, the United Kingdom, Canada, France, the Federal Republic of Germany, and Japan – which were eventually joined by eight other industrial nuclear countries. The deliberations of the Group were reported to be directed towards establishing ground rules so that nuclear exporters would not compete for international contracts by offering less stringent safeguards requirements.

The Zangger Committee was also believed to be considering a catalogue of so-called "sensitive technologies", called the "Zangger list", itemizing the varieties of hardware – nuclear and other – which might be of use in a nuclear weapons programme, not only for an entire installation such as an enrichment plant, a reprocessing plant, or a heavy-water plant, but also components: valves, pumps, electronics, the do-it-yourself bomb-maker's comprehensive shopping list. It must be assumed that the meetings of the London Group had a great deal to say about French agreements to sell complete reprocessing plants to the Republic of Korea and Pakistan, as well as the West German agreement to sell an enrichment plant and a reprocessing plant to Brazil.

Future extent of nuclear weapons development

An understanding of the economics of nuclear power is important for assessing the likely future extent of civilian nuclear power facilities, with their potential for aiding nuclear weapon development. The relationship between civilian and nuclear weapon development was explained before nuclear experts in the 1980s. They were told that the growth of civilian nuclear power programmes around the world would create the greatest increase in the potential for nuclear weapon development. The more economics favour nuclear power over fossil-fuel power, the more rapid the expected growth. Although non-economic factors will enter into decisions on nuclear power, history suggests that economics will be very important. In spite of major promotional efforts by supplier countries, few nuclear power plants were sold to less developed countries during this period.

The prospect of a NWFZ in South-East Asia

In the early 1970s Indonesia initiated the concept of "national resilience" as a condition for the establishment of a nuclear-weapon-free zone. When a political system is domestically accepted and is capable of meeting the increasing demand for better security, greater prosperity and social justice, there is an increase in a country's capability to cope with insurgencies, subversion, adverse external influences and interference. If projected in the South-East Asian region, the regional resilience should equally be centred on the political acceptance of ASEAN and its capability to provide greater security, economic prosperity and social justice in this region. Regional resilience in South-East Asia could be a condition for the development of ASEAN's capability to manage the region's internal dynamics and external influences for the maximum benefit of the region. Interference by external Powers should thus first and foremost be met by strengthening national and regional resilience. In the framework of regional confidence-building measures, both national and regional resilience should be perceived as conditions that are conducive to the establishment of the zone of peace, freedom and neutrality (ZOPFAN) in this region.

At the regional level, the establishment of ZOPFAN is intended to promote an awareness of a South-East Asian identity, an awareness which is capable of diffusing or abating and finally removing mistrust and thus perceptions of threat from within the region.

At the extraregional level, the establishment of ZOPFAN is intended to strike a balance among the major Powers in the region. Although no precise degree of equilibrium is envisaged, the equation reached should not endanger the territorial integrity and sovereignty of any South-East Asian State. An equilibrium of interests on the basis of the understanding of the major Powers would prevent patterns of behaviour from threatening national and regional stability in South-East Asia. Moreover, the current *détente* could be conducive to the further promotion of ZOPFAN in the future.

Indonesia is among the countries which attach great importance to article VII of the NPT, which affirms the right of States to conclude regional treaties in order to assure the "total" absence of nuclear weapons in their respective territories. Indonesia has emphasized the importance of the regional approach to security, *inter alia,* through the establishment of a zone of peace or of a nuclear-weapon-free zone, or through regional cooperative security. It is also convinced that regional arrangements may prove essential to the bolstering of the collective resilience of smaller Powers in facing the effects of any major-Power rivalry in their region. The establishment of nuclear-weapon-free zones is not only consistent with article VII but, more significant, it constitutes an important measure towards the attainment of the goals of the NPT. The Treaty of Tlatelolco of 1967 figures prominently in the efforts of the international community in this regard. The latest of such efforts is the South Pacific Nuclear Free Zone Treaty signed on 6 August 1985 by the South Pacific Forum, which the Indonesian Government welcomes as the latest contribution to the promotion of regional as well as global peace and security.

Interest in the establishment of a nuclear-weapon-free zone in South-East Asia dates back to 1971, when the ASEAN countries, in the Kuala Lumpur Declaration on a Zone of Peace, Freedom and Neutrality, took cognizance of the significant trend at that time towards the establishment of nuclear-free zones for the purpose of promoting world peace and security by reducing the areas of international conflict and tension. ASEAN interest in the establishment of a nuclear-weapon free zone in South-East Asia has intensified in the last few years. One significant development in this respect was the endorsement, at the Seventeenth Ministerial Meeting of ASEAN, held at Jakarta in 1984, of various recommendations of the ASEAN Working Group on ZOPFAN, including the recommendation on a nuclear-weapon-free zone. Subsequently, at the Eighteenth ASEAN Ministerial Meeting, held at Kuala Lumpur in 1985, the ASEAN Ministers noted with satisfaction that the concept of a nuclear-weapon-free zone, as a component of ZOPFAN, was under active study by the ASEAN Working Group on ZOPFAN.[6] They directed the senior officials and the Working Group to continue the consideration of this subject in all its aspects, with a view to arriving at a more detailed elaboration of the principles, objectives and elements of such a nuclear-weapon-free zone as well as possible ways and means of implementing it, taking into account all the implications of the matter.

The ASEAN countries have been promoting the idea of ZOPFAN in South-East Asia since 1971. Some progress has been made with regard to the concept and to the understanding of it among the ASEAN member countries, although discrepancies of view still persist. The ASEAN countries have agreed that ZOPFAN is a desirable objective and that initial efforts should be exerted towards its realization, together with the 1976 Treaty of Amity, in the quest for political stability in South-East Asia. ZOPFAN is a strong pillar in the creation of regional peace and a vital policy for confidence-building measures in the region. The ASEAN countries have also agreed that the establishment of the South-East Asia nuclear-weapon-free zone (SEANWFZ) would be an important component of ZOPFAN.

In the 1980s an ASEAN Working Group has met several times to discuss a number of technical aspects of a NWFZ related to non-passage, non-deployment, prevention of dumping, negative security assurance, and the like, and other aspects relating to organization and international law.

An Indonesian expert has observed that some countries have indicated support for the SEANWFZ concept, *inter alia*, China and the Indo-Chinese countries, while other Powers, such as the United States, have indicated reluctance to support it. Japan's position is still dubious. Taking into account its domestic anti-nuclear policy, one would expect that Japan would at least show a better understanding of SEANWFZ, yet taking into account Japan's dependence on the United States nuclear umbrella, the Japanese perception of the United States views is understandable. While Australia and New Zealand are parties to the South Pacific Nuclear Free Zone Treaty, they should also be more sympathetic to the SEANWFZ concept, but they seem reluctant to express support, perhaps in view of their special ties with the position of other Powers, such as the United Kingdom and France, whose perceptions are not clear-cut either. While French objection to the concept may be more discernible in view of its continued nuclear-testing policy in the South Pacific, the United Kingdom position is less easy to discern. The differences of view with regard to SEANWFZ among ASEAN countries seem mainly to be on the timing of its establishment and the timing for approaching the non-ASEAN Powers for their acceptance.

Whatever the differences of view, the establishment of the zone should be decided first and foremost by the regional countries rather than by non-regional Powers. The more South-East Asian States are able to develop cooperation among themselves, the less necessary the political and military roles of the non-regional Powers would be. The acceptance of the ZOPFAN and SEANWFZ concepts would promote peace and cooperation in South-East Asia without necessarily affecting substantially the interests of the non-regional Powers. In fact, it would be in the interest of the non-regional Powers as well to promote ZOPFAN/SEANWFZ in the region.

The elements of the South-East Asia nuclear-weapon-free zone

The arrangement or agreement must ensure that the zone would be, and would remain, effectively free of all nuclear weapons. Therefore the draft treaty on the subject of a NWFZ consists of the following elements:

1) The treaty will become valid after its ratification by all South-East Asian countries (visualized in the geographical setting: ASEAN, Viet Nam, Cambodia, Laos and Myanmar);

2) The States parties are not allowed, for example, to develop, manufacture or obtain, possess or control or to station nuclear weapons (to place, transport to its territory, pile, store or deploy nuclear weapons), and to test nuclear weapons, and they are also not allowed to dispose of radioactive waste in the region;

3) The State parties are free to allow or prohibit the transit or port call of foreign ships and aircraft in territories within their sovereignty and jurisdiction;

4) Foreign ships and aircraft exercising innocent passage, transit passage or archipelagic sea lane passage are obliged to adhere, according to the United Nations Convention on the Law of the Sea, adopted in 1982;

5) The organization to be established under the treaty consists of an assembly and an executive committee;

6) A verification system to guarantee a strict adherence to the rules of the treaty consists of several elements:

- the IAEA safeguards system
- reporting and exchange of information
- request for explanation
- on-site inspection

7) There will be rules on measures to overcome violations;

8) The treaty will have a protocol to be signed by nuclear Powers stating their willingness to adhere to the SEANWFZ treaty.

Position of Indonesia on some pending matters

After several ASEAN meetings, a drafting committee formulated a draft treaty on the South-East Asian nuclear-weapon-free zone. According to some well-informed sources, the position of Indonesia on some pending matters on the establishment of a NWFZ in South-East Asia is in favour of:

1) Establishing a NWFZ in South-East Asia as the main element of the ASEAN concept of ZOPFAN (Article 52 of the United Nations Charter);

2) Intensifying efforts for consultations on pending matters in drafting the SEANWFZ Treaty, such as:

a) Solution of the problem of "territorial disputes, unresolved land and maritime boundary issues", although the drafting committee has produced the formula: "The SEANWFZ means the area comprising the territories of all States in South-East Asia and other areas under their respective jurisdiction and control.";

b) The national position on "the question of peaceful nuclear explosions;

c) The financial implications of the commission;

d) The level of representation at the assembly;

e) The tenure of the chairmanship of the executive committee;

f) The number of ratifications of the treaty by States parties required for its entry into force.

3) Intensification of efforts to finalize the Treaty through the Drafting Committee on a South-East Asian NWFZ;

4) Promotion of the participation of other South-East Asian States such as Myanmar, Laos, Cambodia and Viet Nam within the framework of a South-East Asian nuclear-weapon-free zone;

5) Initiation of consultations with the nuclear-weapon States.

According of priority to the finalizing of the draft SEANWFZ treaty could become a breakthrough in the realization of ZOPFAN.

Position of Indonesia on prohibition of the transit of nuclear weapons

Not all world maritime Powers have signed or ratified the United Nations Convention on the Law of the Sea, of 1982. In connection with the Convention and available information, Indonesia has stated in the past:

> "The prohibition of transit of nuclear weapons might possibly be objectionable for the nuclear-weapon States which would maintain their rights on the basis of the law of the sea and in particular those under the regimes of innocent passage through territorial sea, transit passage through straits used for international navigation and archipelagic sea lanes passage through sea lanes designated by archipelagic States (i.e. Indonesia and the Philippines). The prohibition of transit of nuclear weapons might also be opposed by the nuclear-weapon States on the ground that such a prohibition would endanger their security and strategic interests. In the event that prohibition of transit in the body of the arrangement or agreement is considered by ASEAN not to be viable or appropriate, one possible alternative is to conclude a protocol, to be adhered to by the States of the Zone and the nuclear-weapon States, in which it is expressly stipulated that transit of nuclear weapons through the Zone must not prejudice, threaten or endanger the defence and security of the States of the Zone and must be at any time consistent with the Montego Bay Law of the Sea Convention of

1982. Such a provision could be formulated as an undertaking on the part of the nuclear-weapon States."

Final remarks

Indonesia has focused its interest on the desirability of establishing nuclear-weapon-free zones in the region and commitments by nuclear-weapon States not to use nuclear weapons against a non-nuclear-weapon State. No full consensus on these topics has yet emerged, although many parties thought that establishing nuclear-weapon-free zones was a feasible proposal and could be an important step in the direction of non-proliferation. Others, however, pointed out that some major tensions involved existing nuclear Powers which would consequently have to be brought within the scope of a nuclear-weapon-free zone. The same consideration, they stated, denied credibility to any commitment to the non-use of nuclear weapons. It is to be hoped that the changed post-cold-war strategic relationship between the United States and the Soviet Union as the main nuclear-weapon States with a global strategic capability will have a positive influence on the formulation of measures conducive to the establishment of NWFZs.

Throughout the efforts in the field of disarmament it was assumed that while disarmament measures were taking effect step by step, States would have to retain the necessary responsibility for the security of their peoples and for the maintenance of independence and territorial integrity. Furthermore, alongside the progress of disarmament measures, there will have to be fuller recourse to the machinery and processes for peaceful settlement set out in the Charter of the United Nations and to its peace-keeping capabilities.

There are still divergent views on the proposition that the possession of nuclear weapons by States in the region could act as a deterrent. One school of thought argued that the theory of deterrence legitimized the concept and production of nuclear weapons and was incompatible with the objectives of nuclear disarmament. From the other side it was argued that the theory of deterrence and the objective of general nuclear disarmament were not basically incompatible and that the former could be made to promote the latter. However, in general it is accepted that the present stockpiles are far beyond the level of minimum deterrence. A reduction by the main nuclear-weapon States to a minimum deterrence could set the stage for the eventual elimination of nuclear weapons.

Plutonium and highly enriched uranium present a special danger in the continued development of nuclear power and there should be strict international safeguards on their use. Examples of the dangers of horizontal proliferation were noted in the actions of Israel and South Africa regarding the acquisition of nuclear weapons. Questions were raised as to whether the Governments of the Western bloc played any role in these recent cases of horizontal proliferation. These cases proved the inadequacy of the physical security of nuclear materials, which pressed the need to avoid the occurrence of similar cases in the future.

There is growing concern about the possibility that terrorists might steal either tactical weapons from the stockpiles of the nuclear Powers or nuclear material from the nuclear fuel cycle. All States have a responsibility to take all possible measures to prevent such clandestine action.

An agreement to stop nuclear testing will cover all nuclear explosions since at the present time no way has been found to distinguish between explosions for weapons and explosions for peaceful purposes. Some experts remained convinced that such a distinction would eventually be found and that a nuclear-test-ban treaty should provide that any future peaceful nuclear testing by any country should be carried out under an international regime created for this purpose.

The questions whether the super-Powers were genuinely interested in disarmament or whether they were working hand-in-glove to preserve their power positions in the world have been answered by the results achieved bilaterally between these super-Powers and through multilateral efforts in Europe in the field of arms control and disarmament. Therefore, primarily by acting in concert at the United Nations and other forums, States can give vent to their moral outrage at the accumulation of nuclear weapons by just those States which should lead the world in its present search for peace and development.

All States devoted attention to new developments in outer space that have military implications and are of relevance to the safety of people on Earth. Reference could be made to the outer space Treaty of 1967, which banned the placement, orbiting or stationing of weapons of mass destruction in outer space and military manoeuvres on celestial bodies, but which did not prevent other military uses of artificial Earth satellites. This was an example of a treaty in which United Nations members participated in drafting even though few of them had the capability to place weapons in space. The analogy to the SALT talks could be drawn. Satellites needed for monitoring the implementation of arms control and disarmament agreements should not be banned.

Forthcoming negotiations concerning prevention of military activity in space will be welcomed but they should not be restricted to the Soviet Union and the United States. Negotiations to prevent nuclear accidents in space, such as the disintegration of nuclear reactors causing a radioactive hazard on Earth, should be handled through the relevant international agencies.

Although the establishment of the South-East Asian NWFZ should first and foremost be decided by the regional States themselves rather than by non-regional Powers, several practical factors originating from regional Powers outside South-East Asia should be taken into consideration and might strongly influence its success in the future, for example, the foreign policies and national (defence) strategies designed to protect their national interests and honour international commitments, geopolitical aims or geostrategical objectives and threat perceptions, the political will of nuclear-weapon States and other concerned States, the different interpretations of the implementation of international treaties such as the NPT and the United Nations Convention on the Law of the Sea by the nuclear-weapon States with global interests, and the effectiveness of IAEA safeguard systems.

In my opinion, security could be considered as a state of mind and, if projected in the international community, dependent to a great extent on good faith among nations. As we live in an imperfect world, some nations may have particular difficulty in declaring what type of international guarantees would provide real national security. Nor is it realistic or necessarily desirable at this point to expect the two super-Powers or other militarily significant Powers to provide iron-clad guarantees for international or regional peace and security. There are some possibilities of providing a guarantee of security, up till now accepted, which by many countries were envisioned as helpful but not in themselves fully adequate. These include declarations of the non-use or threat of use by nuclear-weapon States and support by nuclear-weapon States for new disarmament initiatives, the creation of zones of peace or nuclear-weapon-free zones, regional security arrangements, and universal adherence to the NPT by nuclear and non-nuclear-weapon States.

Notes

1. *Report of the Secretary General on the Work of the Organization (Official Records of the General Assembly, Thirty-first Session, Supplement No. 1A* (A/31/1/Add.1), sect. V.

2. *Ibid., Thirtieth Session, Supplement No. 1A* (A/10001/Add.1), sect. VIII.

3. *Comprehensive Study on the Question of Nuclear-weapon-free Zones in All Its Aspects: Special Report of the Conference of the Committee on Disarmament* (United Nations publication, Sales No. E.76.1.7), para. 84.

4. As an example, during the NPT Review Conference of 1985, there were no difficulties in drafting the guiding principles for the establishment of nuclear-weapon-free zones, using the formula discussed at the NPT Review Conference of 1980. (See United Nations conference room paper NPT/CONF.III/C.1/CRP.2/Add.2.) See also *The United Nations Disarmament Yearbook,* vol. 10: 1985 (United Nations publication, Sales No. 86.1X.7), chap. VII, pp. 143-144, and annex I, art. VII.

5. See *The United Nations and Disarmament: A Short History* (New York, United Nations, 1988), p. 77.

6. At their Third Summit Meeting, in December 1987, the ASEAN States emphasized, *inter alia,* that ASEAN should intensify its efforts towards the early establishment of a South-East Asian nuclear-weapon-free zone.

A Nuclear-Weapon-Free Zone in South Asia

Ross Masood Husain

Evolution of the concept of a nuclear-weapon-free zone in South Asia

Specific proposals for nuclear-weapon-free zones in several regions of the world have been discussed in the United Nations General Assembly and elsewhere for the past three decades. They have concerned such geographical areas as Africa, the Balkans, Central Europe, the Mediterranean, the Middle East, Northern Europe, South Africa, the South Pacific and South Asia. The Assembly first considered the question of a denuclearized zone in South Asia in 1974, at the request of Pakistan, which, after the May 1974 nuclear explosion at Pokharan in India, saw an urgent need for such a zone.

In the debate that followed, Pakistan noted that all the States of the region had already expressed opposition to the acquisition or introduction of nuclear weapons. In particular, it pointed out that India had reiterated, both before and after the explosion of its nuclear device, that it would not develop or acquire nuclear weapons (which was a reference to the announcement by India's Atomic Energy Commission in May 1974 that it had conducted "a peaceful nuclear explosion" at a depth of more than 100 metres underground, had drawn up "a programme of study of the peaceful uses of nuclear explosion", and had no intention of producing nuclear weapons). Pakistan further said that the existence of "alliances" or "treaties of friendship" had not prevented the consideration or establishment of denuclearized zones in other parts of the world. As to the proximity of nuclear-weapon Powers, Pakistan expressed the view that it was precisely through collateral measures of this kind that smaller States could ensure their security. It suggested a meeting of the countries of the region, to be convened by the Secretary-General of the United Nations, that would begin consultations under appropriate guidelines set down by the General Assembly.

Ross Masood Husain is a member of the Board of Governors of the Institute of Regional Studies, Islamabad, Pakistan.

India made clear its support for the establishment of nuclear-weapon-free zones, provided that suitable conditions existed in a particular region, and the proposed establishment of the zone was initiated and agreed to by the countries of the region. India emphasized that no consultation regarding the implications, feasibility and acceptability of Pakistan's proposal had taken place before the item was inscribed on the General Assembly's agenda. No such regional arrangements could be imposed from outside: they could only be developed within the region concerned. Besides, India believed that South Asia could not be treated in isolation. It was only a subregion and an integral part of the region of Asia and the Pacific. The existence of nuclear weapons in the region, India felt, and the presence of foreign military bases in the Indian Ocean complicated the security environment of the region, and made the situation inappropriate for the establishment of a nuclear-weapon-free zone in the subregion.

Two separate resolutions submitted by India and Pakistan, closely reflecting their respective positions, were both approved by the United Nations General Assembly on 9 December 1974. The Assembly thus considered that "the initiative for the creation of a nuclear-weapon-free zone in the appropriate region of Asia should come from the States of the region concerned, taking into account its special features and geographical extent" (resolution 3365 A (XXIX). It also endorsed, in principle, the concept of a nuclear-weapon-free zone in South Asia and invited the States of that region and such other neighbouring non-nuclear-weapon States as might be interested to begin consultations with a view to establishing such a zone. It urged them, in the interim, to refrain from any actions contrary to the achievement of these objectives, and expressed the hope that all States, in particular the nuclear-weapon States, would lend their full cooperation for the effective realization of the Assembly's decision. Two years later, in 1976, on a proposal by Pakistan, the Assembly, in its resolution 31/73, asked that all possible efforts be made to establish the zone. It requested the Secretary-General to provide the required assistance to promote those efforts and to report back to the Assembly. India, which had not submitted a draft resolution in 1976, voted against the resolution for reasons it had previously explained.

During the debates of the General Assembly since 1974, Pakistan has consistently maintained that the generally recognized conditions for the establishment of a nuclear-weapon-free zone exist in South Asia. All the States of the region have already declared their opposition to the acquisition of nuclear weapons or to their introduction into the region. The five States possessing nuclear weapons have, in principle, indicated their support for, or acceptance of, the concept of establishing nuclear-weapon-free zones, despite some early divergence of positions on some issues in the 1975 study, in particular with regard to the definition of the zones and the obligations of nuclear-weapon States. India's viewpoint is that the idea of a nuclear-weapon-free zone has become unrealistic, and that the movement and deployment of nuclear weapons in various regions of the world by the nuclear-weapon States are fundamentally irreconcilable with the very idea of nuclear-weapon-free zones. Indeed, at the second special session of the General Assembly on disarmament, held in 1982, India's Foreign Minister stated that his country could not subscribe to the legitimization of the possession of nuclear weapons by a few Powers by agreeing to live under their professedly benign protection in the guise of a nuclear-weapon-free zone.

The divergence of positions on the issue was brought out yet again in 1989 when a draft resolution entitled "Establishment of nuclear-weapon-free zone in South Asia", submitted by Pakistan and Bangladesh, was adopted by the General Assembly by a recorded vote of 116 to 3 (including India), with 32 abstentions (resolution 44/109). India voted against the draft resolution, maintaining that nuclear disarmament was a global, not a regional, issue, and that lasting world peace could be built only on the basis of general and complete disarmament under effective international control. It reiterated that the security provided by a nuclear-weapon-free zone was illusory, given the global reach of nuclear weapons and the fact that such zones did nothing to reduce the level of existing stockpiles of nuclear weapons. Nevertheless, it had not objected to certain proposals for the establishment of such zones because, in the first place, they enjoyed consensus among the States of the region concerned. Austria, Indonesia and Sweden, while stressing their general support for the creation of nuclear-weapon-free zones, explained their abstentions on the ground that not all of the States of the region had reached agreement to establish a zone, and they believed that the prior commitment of all the States of the region to such an arrangement was a basic prerequisite. Both Finland and the United States, which voted in favour, made statements in support of the establishment of nuclear-weapon-free zones, although Finland at the same time considered that initiatives to establish such zones should come from States within the region concerned and that the process of establishing a zone should enjoy the support of all States concerned. The United States stressed that the reference in the resolution to the establishment of nuclear-weapon-free zones in other regions of the world did not constitute, for it, an endorsement of such zones on a universal basis.

Prospects

The debate on the issue continues. Pakistan maintains that its draft resolutions reflect the assessment that, pending the achievement of a nuclear-weapon-free world, it would be advantageous for international peace and security to keep as many regions of the world as possible free of nuclear weapons. Pakistan realizes that nuclear war can serve no conceivable purpose: there would be no victor in a nuclear conflagration. Since the prevention of nuclear war has a high priority in its efforts to assure the survival of mankind, it has attempted to contribute to this objective through a consistent effort to establish a nuclear-weapon-free zone in South Asia. Pakistan believes that the necessary conditions exist in South Asia to enable the countries of the region to move towards the objective of a nuclear-weapon-free zone: (a) all countries of the region share the commitment to keep the area free of nuclear weapons; (b) they had made unilateral declarations at the highest levels pledging not to acquire, develop or manufacture nuclear weapons; and (c) they have supported all international efforts for nuclear disarmament and for the complete elimination of such weapons. Given the diversity of weapons and forces and the differing views of nations on their security perceptions and needs, combined with the political tensions of the region, a broad-based agreement on the issue may take time but is certainly not impossible to achieve.

Furthermore, even nuclear-weapon States (such as the United States, which said as much in the vote on resolution 44/109 on 15 December 1989), believe that Pakistan's initiative was in harmony with the following criteria: (a) the initiative should arise from States in the region concerned; (b) all States whose participation was deemed important should participate; (c) there should be adequate verification provisions; (d) the establishment of the zone should not upset existing security arrangements, to the detriment of regional and international security; (e) it should effectively prohibit the development or possession of nuclear explosive devices for any purpose; (f) it should not restrain the exercise of rights, such as that of freedom of navigation; and (g) it should not affect the rights of States to make arrangements for such matters as port calls and transit privileges.

The desirability of nuclear-weapon-free zones cannot be overemphasized. In the introduction to his report on the work of the Organization for 1974-1975, the United Nations Secretary-General said as much in the following words:

> "In a period where the widespread knowledge of nuclear technology and huge quantities of fissionable material are becoming available, nuclear-weapon-free zones provide the best and easiest means whereby non-nuclear-weapon States can, by their own initiative and effort, ensure the total absence of nuclear weapons from their territories and enhance their mutual security. They can also provide a logical basis for promoting the peaceful uses of nuclear energy within the zone by facilitating the establishment of regional or international fuel cycle centres with their attendant economic and physical security benefits for extracting uranium, fabricating nuclear fuel, reprocessing plutonium and handling nuclear wastes. Above all, they can provide the means for obtaining security assurances from the nuclear Powers never to use or threaten to use nuclear weapons against Member States of the zone."[1]

In the current congenial environment of a progressively disarming world, the United Nations could play a positive and vital role in urging the establishment of nuclear-weapon-free zones, using its immense prestige and authority to support the concept and providing the machinery needed for consultations among States members of a zone.

Note

1. *Introduction to the Report of the Secretary-General on the Work of the Organization (Official Records of the General Assembly, Thirtieth Session, Supplement No. 1A* (A/10001/Add.1), sect. VIII.

Zones of Peace: The Indian Ocean as A Case Study

Ross Masood Husain

The establishment of zones of peace is a relatively new concept which has developed in response to growing regional tensions and conflicts and the increasing military presence of major Powers in various seas and oceans of the world. The 1978 Final Document of the United Nations special session on disarmament stated that the establishment of zones of peace in various regions of the world, under appropriate conditions to be clearly defined and determined freely by the States concerned in the zone, taking into account the characteristics of the zone and the principles of the Charter of the United Nations, and in conformity with international law, could contribute to strengthening the security of States within such zones and to international peace and security.[1]

One such proposal in the Asia-Pacific context on the agenda of the United Nations deals with the establishment of a zone of peace in the Indian Ocean. The concept first gained prominence at a conference of Heads of State or Government of Non-Aligned Countries meeting in Cairo in September 1964. It was further elaborated at the third summit meeting, held at Lusaka in September 1970, which endorsed the idea and called upon the United Nations to declare the Indian Ocean a zone of peace, from which great-Power rivalries, military bases and nuclear weapons would be excluded. As a direct result of that action, the General Assembly, at the initiative of Sri Lanka, later joined by the United Republic of Tanzania, adopted a resolution (resolution 2832 (XXVI) of 16 December 1971), in which it solemnly declared that the Indian Ocean, within limits to be determined, was designated for all time as a zone of peace. The resolution was adopted by a vote of 60 to none, with 55 abstentions, thus reflecting widely divergent views between non-aligned States and major military Powers regarding the political aspects and implications of the Declaration.

Ross Masood Husain is a member of the Board of Governors of the Institute of Regional Studies, Islamabad, Pakistan.

The General Assembly called on the great Powers, in conformity with the Declaration, to enter into consultations with the littoral States with a view to halting the further escalation and expansion of their military presence in the Indian Ocean and to eliminating from the area all their bases, military installations, the disposition of nuclear weapons and weapons of mass destruction, and any manifestation of great-Power rivalry. It also called upon the littoral and hinterland States, the permanent members of the Security Council and other major maritime users of the Indian Ocean to enter into consultations, with a view to the implemention of the Declaration of the Indian Ocean as a Zone of Peace and ensuring that:

a) Warships and military aircraft might not use the Indian Ocean for any threat or use of force against any of its littoral and hinterland States;

b) Subject to the foregoing and to the norms and principles of international law, the right to free and unimpeded use of the zone by all nations would be unaffected;

c) Arrangements would be made to give effect to any international agreement ultimately reached on the question.

Since its adoption by the United Nations in 1971, the Declaration of the Indian Ocean as a Zone of Peace has received the overwhelming support of the international community. This is evident from the increasing interest evinced by Member States, the majority support which the annual resolution on the Indian Ocean has received over the years, and the large number of States seeking membership in the *Ad Hoc* Committee on the Indian Ocean since its establishment by the General Assembly in 1972. With the enlargement of the membership of the Committee by the General Assembly in 1979, the permanent members of the Security Council, major maritime users of the Ocean and some other important Member States joined the Committee, increasing its number from the original 15 to 49. Concurrently, the Conference of Heads of State or Government of Non-Aligned Countries has consistently reaffirmed support for the concept of the Indian Ocean as a zone of peace, and has actively searched for ways and means to promote its effective implementation. In addition, bilateral Soviet-American talks were initiated in 1977 to pursue possible limitations on military activities in the Indian Ocean. In an agreed statement submitted to the Chairman of the *Ad Hoc* Committee on 1 March 1978, the United States and the

Soviet Union stated that there had been to date a certain measure of agreement on a number of questions, including the desirability of a staged approach, beginning with an agreement not to increase the current military presence, then moving on to negotiations on reductions.

Evolution

The question of the Indian Ocean as a zone of peace was given considerable attention in the course of the preparation for the first special session of the General Assembly devoted to disarmament held in 1978, as well as at the special session itself. Various proposals on the subject were submitted, raising such issues as the need for prompt measures to implement the Declaration of the Indian Ocean as a Zone of Peace; the necessity for mutual restraint on the part of the littoral and hinterland States, as well as the maintenance of a reasonable military balance among themselves; and the need for the convening of a Conference on the Indian Ocean. At the special session, considerable time and attention were devoted to the question, covering issues such as the gradual withdrawal of all forms of military presence of the extraregional Powers from the Indian Ocean region, active pursuit of the objective of establishing a system of universal collective security without military alliances, and the strengthening of international security through regional and other cooperation. Although the Final Document that was adopted by consensus at that session endorsed the validity of the concept of zones of peace and declared that the establishment of zones of peace in various regions of the world could contribute to strengthening the security of States within such zones and to international peace and security as a whole, there was no progress on the outstanding issues concerning the implementation of the Declaration.

A meeting of the littoral and hinterland States was convened in New York in 1979. At that Meeting, which was attended by members of the *Ad Hoc* Committee, the great Powers and the major maritime users of the Indian Ocean, agreement was reached among those States on a set of principles for the implementation of the Declaration, including the necessity of adhering to a code of conduct. In its Final Document, that Meeting strongly recommended the holding of the Conference on the Indian Ocean, and proposed that the *Ad Hoc* Committee on the Indian Ocean undertake the preparatory work for it, including consideration of appropriate arrangements for any international agreement that might ultimately be reached. In the same year, the General Assembly decided to convene the Conference on the Indian Ocean in 1981 at Colombo, Sri Lanka. However, during 1980 and 1981 the *Ad Hoc* Committee was unable to make definitive progress in the preparations for the Conference or to finalize dates for its convening. Each year since then, the *Ad Hoc* Committee has been requested to make every effort to accomplish the necessary preparatory work for the Conference, including, specifically, the establishment of dates.

During its first session, in 1984, the work of the *Ad Hoc* Committee was devoted to preparing the framework of the provisional agenda for the Conference, the provisional rules of procedure and the substantive issues related to the zone of peace in the Indian Ocean area. Most of the non-aligned States and the East European States maintained that, notwithstanding the necessity of continuing efforts for the harmonization of views on the substantive issues related to the zone of peace in the Indian Ocean, those issues should be solved at the Conference itself and should not be a precondition for convening the Conference. The Western States emphasized that, until the necessary harmonization of views on the substantive issues related to the zone of peace had been achieved, it would be premature to convene the Conference. Since in 1984 the Committee was unable to complete the preparatory work for the Conference, the General Assembly, by consensus, requested the *Ad Hoc* Committee to complete the preparatory work in 1985 in order to enable the opening of the Conference in the first half of 1986, taking into account the political and security climate in the region, and in consultation with the host country.[2] In the event, the Conference did not materialize in 1986 because of the divergence of positions noted above.

The new schedule for the Conference for 1990 could not be kept as the discussions in the *Ad Hoc* Committee were reported by its Chairman to be inconclusive. Despite the view of the overwhelming majority of members of the *Ad Hoc* Committee that sufficient preparatory work had been completed to make it possible to convene the Conference in Colombo in July 1990, it had not been possible to achieve a consensus on that point. During deliberations in the First Committee on a draft resolution entitled "Implementation of the Declaration of the Indian Ocean as a Zone of Peace" (submitted by Yugoslavia on behalf of the States members of the Movement of Non-Aligned Countries), some of the members of the Western Group (France, the United Kingdom and the United States, which voted against the resolution) took exception to the reference in the resolution to great-Power confrontation, feeling that emphasis on that point – especially at a time of visible improvement in East-West relations – concealed the causes of the instability proper to the region itself, which must be addressed. Furthermore, they were not prepared to accept a conference with a mandate to adopt a final document setting forth principles, modalities, machinery and a programme of action for furthering the objectives of the zone of peace without prior agreement on an agenda, even if the Conference was to be structured in several stages (as proposed by Yugoslavia). It was suggested that it would be more productive to continue deliberations through consultations under the Chairman of the *Ad Hoc* Committee. The three also stated that they no longer saw any benefit in participating in the preparatory work for the Conference, and France and the United States announced that they would not associate themselves with the type of conference provided for in the draft resolution nor would they consider themselves bound by any declarations issuing from it to which they had not specifically subscribed. To avoid a situation in which the absence of consensus might result in a decision on the part of some States not to participate any longer in the preparatory process, the General Assembly adopted a revised draft resolution in December 1989, by a recorded vote of 137 to 4, with 14 abstentions (resolution 44/120), calling for the convening of the Conference at Colombo in 1991, through continuing consultations under the Chairman of the *Ad Hoc* Committee.

Prospects

As the situation stands today, it is increasingly apparent that there are differing views with regard to the implementation of the Declaration despite the overwhelming support extended to the concept of a zone of peace and the objectives of the Declaration. The differences do not appear to arise from any inherent drawbacks in the proposal itself, but from a set of preoccupations of a small number of Member States whose participation is essential to the successful implementation of the Declaration. A major area of disagreement is the question of convening the Conference, which in itself constitutes an integral part of the implementation of the Declaration on the Indian Ocean. The reason adduced by this small group of Member States for the repeated postponement of the Conference is that the prevailing political and security climate in the region, with its deep-seated rivalries and unresolved inter-State disputes, is not conducive to the holding of such a Conference. The current situation in the Persian Gulf has only served to add more weight to this argument, and is cited as testimony to the fact that the Indian Ocean region continues to be more a zone of crisis than a zone of peace – and this, ironically, at a time of overall relaxation of East-West tensions, following recent positive developments in the political, military and security spheres at both the bilateral and the multilateral level, the radical transformation of super-Power defence policies, and the direct bearing of some of these developments on the Indian Ocean region.

The majority of Member States, however, do not agree with this reasoning. In their view, the prevailing political and security climate in the region, whether interpreted as positive or negative, should not in any way constitute a barrier to the holding of the Conference. Even if the political and military situation in the Indian Ocean region is accepted as volatile, this is precisely the reason for hastening the holding of the Conference, which is an important step towards the implementation of the Declaration. After all, the whole purpose of the Declaration and of the establishment of the zone of peace is to remove such impediments to regional peace and security. It would be presumptuous to argue that the countries of the region must wait indefinitely for a resolution of all political and security questions, as it was these very questions that motivated them in the first instance to move for the establishment of the zone of peace. Indeed, considering recent developments in the international arena, which have had a definite positive influence on the political and security climate in the Indian Ocean region, there are very compelling reasons for a dispassionate reassessment of some of the positions which have prevented the desired progress in the convening of the Conference and the eventual implementation of the Declaration.

Nor do a majority of Member States (especially the littoral and hinterland States) accept the argument that the military presence of extraregional Powers is warranted, *inter alia*, by their security and strategic interests and is otherwise in conformity with the principle of the freedom of the high seas and navigation as stipulated in international law and custom. The argument is countered on the grounds that not only are these outside Powers geographically separate from the Indian Ocean, but also their continued presence therein only promotes military competition, escalates military activity and constitutes a destabilizing factor detrimental to the political independence, national sovereignty and territorial integrity of the littoral and hinterland States in particular and of the Indian Ocean region as a whole. The concepts of freedom of navigation and the freedom of the high seas are universally recognized and are also taken care of in the Declaration but must be seen as not excluding the inadmissibility of the permanent presence of military forces in the Indian Ocean region, as such a permanent presence goes beyond the concept of free passage in international waters. Such activities, it is further argued, need to be brought under international regulation and responsibility through an international agreement with binding arrangements – which is what the establishment of the zone of peace is all about. For these reasons, it behoves the extraregional Powers not to highlight the negative aspects of subregional security situations in order to delay the holding of the Conference on the Indian Ocean or to use them as instruments for the furtherance of their objectives and interests in the Indian Ocean region.

In its historical context, the extraregional military presence in the Indian Ocean is both the product of global circumstances and the result of wilful strategy. For the better part of its modern history, the Indian Ocean has largely been an uncontested Western lake. The political control established in 1815 by Britain over the Cape of Good Hope, India, Ceylon, Mauritius, sections of Malaya, and Australia generally foreshadowed an oceanic dominance so complete that despite many external attempts only the Japanese, in their ferocious effort to rid themselves of the Taiheiyo-no-gan ("Cancer of the Pacific") a century and a half later, came close to replacing British hegemony in this part of the globe. The failure of the Japanese, as that of the Germans before them, nourished the illusion that the Allied victory in the Second World War would suffice to keep the Indian Ocean within the perimeter of Western influence. Even in the United Kingdom, where the impending demise of the Empire was clearly recognized in 1945, there persisted a hopeful belief that the cordial relations maintained by the mother country with its erstwhile colonies in the Ocean littoral would ensure that these waters remained hospitable to the West. What was difficult to perceive clearly at the time was that the physical and ideational enervation wrought upon the British polity by the Second World War would in time not only cause a complete liquidation of British commitments "east of Suez" by 1967 but would also result in armigerous contestation between its former colonies, thus presenting the other great Powers with innumerable opportunities for military intervention and political influence. It is not possible to wish history away by a single wave of a wand.

The harmonization of conflicting views on the holding of the Conference and the implementation of the Declaration on the Indian Ocean call for a cool, calm and continuing effort in an environment free from mutual recrimination. The Indian Ocean's long history of external domination has led either to a fixation with individual nodes to the disregard of others or to the gross misunderstanding of the powerful quest of political autonomy (often bordering on regional domination) expressed by several littoral States through substantial, periodic military expansions in the post-war period. Neither pathology augurs well for the development of a regional strategy for the establishment of an evolutionary, managed zone of peace.

In the context of a disarming world and with confrontation giving way to cooperation, the super-Powers could be urged to resume their bilateral talks on the Indian Ocean, which were initiated in 1977, suspended in 1978, and not pursued to a meaningful end thereafter. They would need to view the whole effort, not as a narrowly defined disarmament exercise, but in the larger context of the maintenance of regional and international peace and security consonant with the purposes and principles of the Charter of the United Nations.

Littoral and hinterland States also need to accept the reality that this is a complex issue which has far-reaching repercussions beyond regional boundaries and, as such, cannot be settled in isolation. And they would need to grasp the rather unpalatable fact that a de-escalation of great-Power rivalry in the Indian Ocean may not necessarily result in the Indian Ocean's becoming a tranquil sea: indeed, it is feared by some that, in such an event, great-Power confrontation may well give way to intense regional competition with the chances of confrontation and conflict greater than ever. The various naval experiences in the past decade amply bear that out.

In the meantime, pending a decisive, substantive breakthrough towards the practical implementation of the Declaration of the Indian

Ocean as a Zone of Peace, efforts should be concentrated on bringing about a *rapprochement* of views on issues of common concern to the actors in the Indian Ocean region. With new trends in international relations and with intensive international discussions about the settlement of regional conflicts and the regional and global aspects of disarmament, including the limitation of naval armaments and the activities of naval fleets, there have been increasing calls for the extension of confidence-building measures to maritime areas. The Indian Ocean seems to be an area where an early consensus on such measures could be possible. To begin with, these measures could include the conclusion of a multilateral agreement on the prevention of incidents in the Indian Ocean and the airspace above it, prior notification of major naval manoeuvres and exercises and the observation of such activity, and the exchange of information and greater transparency in naval matters. The implementation of these naval confidence-building measures, followed in due time by others restricting naval military activity and bases, would go a long way in promoting peace and stability in the region, improving radically its political and security climate, and advancing and facilitating the zone-of-peace process in the Indian Ocean. And since this Ocean fulfils the function of being the main connecting link between the Atlantic and Pacific Oceans, the zone-of-peace process should extend through the Cape route to the South Atlantic on the one hand and through the China Seas to the Pacific Ocean on the other.

Notes

1. Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmanent (1978), adopted by the General Assembly in its resolution S-10/2, para. 64. The text is reproduced *in extenso* in *The United Nations Yearbook*, vol. 3: 1978 (United Nations publication, Sales No. E.79.1X.2), appendix I.

2. General Assembly resolution 39/149, para. 4.

ASEAN in the Search for Peace and Stability in South-East Asia

A. Hasnan Habib

Impact of technology on the international environment

The accelerating change brought about by technology since the end of the Second World War has been the critical factor in changing the international environment. A merging world now stands on the threshold of a new era. Technology works as a unifying and integrating force. The world economy and international trade are moving in the direction of world integration and interdependence. Technology has also changed the power relationships among nations by rapidly strengthening the position of some at the expense of others.

Civilization is entering a new era, one in which economic and technological might outweighs the importance of political and military power. Military capability as the yardstick for power and influence is giving way to economic and technological power. In assessing international power today, factors such as technology, education and economic growth are becoming more important, rendering geography, population and raw materials less significant. Yet one cannot leap too quickly to the conclusion that only economic and technological factors will determine the status and power of nations in the emerging post-cold-war order. Even though it may have to share the spotlight with economics and technology, geopolitics remains an important component of international relations, and military force cannot be ruled out.

Technology has increased man's capacity to exploit natural resources in order to accelerate development and raise living standards to the highest possible level, especially in the advanced industrial countries, but in the process man has caused grave environmental problems that pose a new kind of threat to the global security.

Lieut. Gen. A. Hasnan Habib (ret.), formerly Ambassador of Indonesia to the United States, is Adviser to the Minister of State for Research and Technology, Jakarta, Indonesia.

Technology has set in motion a process of transformation of the global geopolitical environment and power structure which is irreversible. As we look back on the remarkable and unpredicted changes of the last five years, we can see that they had to be. Moscow had no other choice but to implement glasnost, perestroika and *demokratizaciya,* or risk becoming irrelevant in global affairs. And with perestroika the cold war order has crumbled. The end of the cold war, however, does not mean that world peace and stability can be taken for granted. Many of the promising trends of the last couple of years can be turned around. Many things can still go wrong. Forty years of hostility and suspicion between East and West cannot be wiped out overnight.

Effects of global changes on global security issues

Transformation of Europe

By far the most significant developments have occurred in Europe, formerly the main battle arena of East-West confrontation. In Eastern Europe a dramatic revolution was unleashed by Mr. Gorbachev's reforms, repudiating totalitarian, one-party communist rule and overturning centralized economy. NATO and the Warsaw Pact are undergoing fundamental changes; a new European order is slowly taking shape. Western and Eastern Europe are converging towards a common European home.

The 1989 collapse of communist regimes throughout Eastern Europe has however raised the spectres of volatility and instability, affecting not only Europe but the world at large, which, for the most part, is comprised of poor and developing countries. The disappearance of communism and the chaotic experiment with market economy in Eastern Europe may hurt those developing countries that rely heavily on foreign aid from Europe and the United States and that now face the risk that such aid will be diverted to the former East European communist countries and the Soviet Union.

Moreover, Gorbachev's reforms have caused not only a serious breakdown of the socialist economy but also the re-emergence of long-muted ethnic and racial conflicts in the whole of Eastern Europe and inside the Soviet Union itself. There are concerns that the breakup of the Soviet empire will create instability along its huge border. In the effort to prevent such an occurrence, Gorbachev has resorted to autocratic – even, to some observers, dictatorial – means. He is being pushed to rely increasingly on the conservative elements in both the party and the army, to which the Soviet decline in prestige is frustrating and humiliating.

Disarmament

The end of the cold war has raised expectations that both the United States and the Soviet Union will cut their military budgets and negotiate arms-control agreements. This will allow for retrenchment and greater investment in domestic programmes. There is great hope also that arms control and force reductions, as well as democracy and the free market will be appealing and will spread to other parts of the world. Indeed, almost all former communist and non-communist countries alike are establishing democratic political institutions and free market economies. And with the process of democratization, a stronger foundation for economic growth is laid, solid enough to accommodate popular political participation and strong enough to manage national economic and technological developments.

However, while the United States and the Soviet Union are indeed reducing their military forces, both nuclear and conventional, many third world countries are modernizing their military, making them more professional and lethal. A number of third world countries have also developed indigenous arms industries with a sizeable export capacity able to provide some of the weapons that, previously, were the monopoly of the super-Powers and the Europeans. As more arms suppliers enter the international market, and as each of the major Powers still has a large arms industry seeking profitable ventures, advanced military technology and weaponry are increasingly available. The international arms market has been transformed from a supplier's to a buyer's market.

Growing cooperation among major Powers

For the first time in the era following the Second World War, the changed global politico-security environment has enabled the super-Powers to cooperate in restoring and maintaining world peace. The five permanent members of the United Nations Security Council have actively sought a comprehensive solution to the long-drawn-out Cambodian conflict. They have also agreed on the actions against Iraq following the latter's invasion of Kuwait which triggered the Gulf crisis, except on the use of force. This development has raised the hope for a more effective and credible role for the United Nations in the future maintenance of global peace and security.

The five permanent members seem to be developing a consensus on the importance of "strategic stability" as a central mutual interest. But one should be wary of the danger that they may pursue a condominium or otherwise seek to insulate themselves from the consequences of change rather than make a really constructive and substantial commitment to improving the general international situation for the benefit of the international community as a whole, and not just for the global major Powers.

Regionalization of conflicts and regional arms races

The cold war strategic premises of both East and West are being abandoned in the face of economic, technological and political change. As the security shield that the super-Powers had provided to the regions of vital strategic interest to each of them is being gradually removed, affected regional States have begun to seek alternative means to assure their security.

Washington's former client-States in Asia and the Pacific are worried that, if the United States reduces its presence and abandons its military bases in the Philippines and Japan, it will only be a matter of time before Japan or China emerges as the hegemonic regional Power. In the Middle East, radical Arab countries which previously enjoyed Moscow's support are struggling to adapt to the impact on their security of Soviet retrenchment. In the short run this has been to the advantage of Israel. Not only has the Soviet Union cut back on arms supplies to those radical Arab States, but it has also restored diplomatic relations and opened its doors to Jewish emigration to Israel. This presages more troubles ahead in this volatile region, where the whole world is watching with alarm the outcome of the Gulf crisis.

The upshot of the end of the cold war is that regional conflicts have become "regionalized", uncoupled from super-Power immediate global interests or from what remains of super-Power conflict. Consequently, in order to ensure their security, regional Powers are making large investments in their armed forces, modernizing and improving their quality, and thereby triggering arms races.

Economic globalization and regionalization

Even though there is a general consensus that globalization and interdependence, bringing benefit to everyone, require a free market system, nevertheless protectionism, isolationism and exclusivism still persist. Two types of international economic development are taking place simultaneously: globalization and regionalization. They seem to go in opposite directions. Whereas globalization fosters interdependence and integration, regional integration tends to stimulate the formation of trade blocs, which could induce trade wars between blocs or groups of countries.

Confidence-building and conflict resolution in South-East Asia: the ASEAN case

General survey of South-East Asia

South-East Asia has been the centre of the longest and fiercest ideological struggles in the world since the Second World War: nationalism vs. colonialism/imperialism, socialism/communism vs. liberalism/capitalism, and religious strifes. The region has witnessed not only communist revolutions, wars for independence, and international wars, but also subversions, insurgencies, civil wars, coups and other kinds of civil violence. In spite of all that, especially after the Association of South-East Asian Nations (ASEAN) was established, the region has been one of the most dynamic growth centres in the world. The interests of four major world Powers intersect this region: the United States, the Soviet Union, China and Japan.

Three dimensions of conflict

There are three dimensions of conflict in South-East Asia. *First,* there is *the domestic, or internal, dimension*. These are conflicts based on ideology, ethnicity, religion, race, communal loyalties, social-economic imbalances, economic inequity, political differences, and the like. Some of the key issues of domestic conflict are *change* and *rising expectations and demands* as the result of national development and modernization in a transitional society. All this creates an unstable situation, which may lead to social disturbances over what may be perceived as acts of injustice, discrimination, inequity, or simply failure to meet the rising demands and expectations of the people.

Secondly, there is *the intraregional dimension,* arising from ideological fanaticism, political, territorial, and jurisdictional disputes, such as the Cambodian conflict, the overlapping territorial claims in the South China Sea, the Sabah issue, the unsettled delimitation of boundaries between States, and so on. Conflicts arising out of territorial disputes are a legacy from the arbitrarily drawn boundaries of the colonial period, or from traditional ethnic rivalries of the pre-colonial period. They may also have their roots in excessive and radical nationalism and problems associated with the survival of newly won independence, transcending ideological affinity. These problems are often allied to internal instability and political struggle, which become complicated if neighbouring countries or extraregional Powers become involved.

Thirdly, there is *the extraregional dimension.* South-East Asia has always been subjected to outside intervention and interference, owing to its geostrategic position astride the vital sea lanes between the Indian and Pacific Oceans and between Asia and Australia. The compartmentalization of the region during the Western colonization remained even after the emergence of independent nation-States following the Second World War. This reflects the great ethnic-cultural linguistic-religious diversity, the lack of shared history, and the experience under different colonial administrations.

Motivation and birth of ASEAN

The Association of South-East Asian Nations (ASEAN) was born in 1967 in a "crisis region". The Vietnam War was raging; two of the region's States – Thailand and the Philippines – sided with outside Powers. Relations between Malaya and Singapore were declining until they reached the breaking-point when Singapore left the Malaysian Federation and proclaimed itself the free and sovereign Republic of Singapore. The Philippines laid claim to Sabah. Indonesia had launched the "crush Malaysia campaign" against the creation of the Malaysian Federation by the United Kingdom, perceived by Indonesia as a British neocolonialist plot threatenng its independence and sovereignty. Burma was in domestic turmoil caused by separatist movements. The whole region was in turbulence, the communist threat was very real, both in Indo-China and in Indonesia, until the communist coup of 1 October 1965 in Indonesia was decisively smashed.

Two years later, on 8 August 1967, ASEAN came into being, following the resumption of full diplomatic relations between Indonesia and both Malaysia and Singapore only four months earlier, and between the Philippines and Malaysia in June 1966. ASEAN was born out of adversity, but also out of the desire of the region's non-communist nations to dispel mutual suspicion, distrust and animus, and to build up mutual understanding, confidence and cooperation to work together towards a stable, secure, peaceful and prosperous South-East Asia. Nobody really thought at the time that ASEAN would last long.

Yet, ASEAN has not only endured over the last 23 years; it has expanded and emerged as a regional force which the world is increasingly taking into account. It has successfully presented a solid front on major extraneous issues that are being played out beyond its boundaries. ASEAN, at present comprising six nations, has become *a security community*; there is no longer an expectation of the use of force by one member against another. Moreover, it has the potential to become a force for the maintenance of peace, security and stability in the region.

ASEAN was established for mutual cooperation to make the region stable, peaceful and prosperous, which is a contribution to peace, security, stability and prosperity in the wider region of Asia and the Pacific. It is an institution and vehicle for regional confidence building with a wider and more comprehensive scope than the limited concept of the Helsinki and Stockholm agreements within the framework of the Conference on Security and Co-operation in Europe.

Zone of peace, freedom and neutrality (ZOPFAN), national and regional resilience

In November 1971 the first special meeting of the ASEAN Ministers for Foreign Affairs adopted the Kuala Lumpur Declaration on the establishment of a zone of peace, freedom and neutrality (ZOPFAN) in South-East Asia, "free from any form or manner of interference by outside powers". It is not a concept of the neutralization of South-East Asia, even though its recognition by outside Powers is desirable. It is a declaration of the determination of the ASEAN member countries to take charge of their own destiny and reject the assumption that the fate of their region is to continue to be determined by outside Powers. It also reflects ASEAN's strong belief that it is only through close cooperation, relying primarily on indigenous strength, that peace, security and stability in their own region may become the primary responsibility of the South-East Asian nations themselves. The cardinal difference between Malaysia's original proposal of "neutralization" and the adopted version in the Kuala Lumpur Declaration's "neutral" is that, whereas the central feature of "neutralization" was the provision for external Power guarantees implying the region's continued dependence on and subordination to external Powers, Kuala Lumpur's version, "neutral", reflects ASEAN's reliance on its own strength.

The ZOPFAN concept does not deny the legitimate interests of outside Powers. Rather, it should be seen as a "set of codes of conduct" among the ASEAN States themselves, between ASEAN States and outside Powers, and among outside Powers, within the context of maintaining peace, security and stability in South-East Asia. It is a regional approach to peace and stability which, by establishing zones of peace, nuclear-weapon-free zones, and by instituting regional and interregional cooperation in socio-economic development and security arrangements, could assist the United Nations in the exercise of its global responsibilities.

In order to be able to execute the heavy task implied in the ZOPFAN concept, the development of ASEAN into a security community only is not enough. What also needs to be developed is effective strength, both at the national and the regional level, emphasizing non-military strength in the light of the changing international trends without completely ignoring military preparedness. This is what ASEAN is all about: an association for cooperation among South-East Asian nations to "accelerate the economic growth, social progress and cultural development in the region through joint endeavours in the spirit of equality and partnership in order to strengthen the foundation for a prosperous and peaceful community of South-East Asian nations", as stated in the Bangkok Declaration of 8 August 1967. The policy and strategy adopted to carry it out is what is called "regional resilience" through "national resilience". These terminologies appeared, for the first time, in the two documents of the Bali ASEAN Summit on 24 February 1976: the Declaration of ASEAN Concord, and the Treaty of Amity and Co-operation in South-East Asia.

National resilience

The core of the concept of national resilience is the notion of the inseparability, interwovenness and correlation of security and prosperity. Different from the old conventional concept that equated security with a nation's military capability, security according to the concept of national resilience is a condition which brings about a feeling of safety and certainty in pursuing individual, collective and national aspirations of which prosperity is an integral part. Optimum security can exist only in a prosperous environment free from abject poverty and from persistent injustices and inequalities, an environment in which everyone has equal opportunity to attain his legitimate objectives. But the converse is also true: prosperity can be attained only in a secure and stable environment. Therefore security and prosperity are interwoven and inseparable. They are the two sides of a coin, for example the two macro aspects of national power.

National power includes, first, relatively constant factors, such as geography, demography, and natural resource endowment; and secondly, variable factors, ideological, political, economic, cultural and military. National resilience is, therefore, a comprehensive, holistic and multidimensional concept. It is the *resultant* of all forces of the nation constituting *one single force* which, if unleashed, represents the combined effect of all the forces arising from the above-mentioned factors, both constant and variable, which make up national power.

National resilience denotes both the security and the prosperity condition of the national community at any given time reflecting the nation's capability to manage internal or external situations which may threaten the nation's vital interests. At the same time, it also reflects the nation's capability to raise the level and quality of its national resilience. It is, therefore, a dynamic concept, both negative (controlling/eliminating threats) and constructive (raising the nation's capability). It is such an ever-growing national resilience that each of the ASEAN countries seeks to attain, not only through economic but through a comprehensive national development, including defence capability.

Security and prosperity also constitute the two "avenues" to national resilience. Prioritization depends on the type, form, intensity and scope of the threat. The lower it is, the more emphasis is placed on prosperity. This means the application of a broad range of policies for a comprehensive national development, which includes economic growth, social justice, educational improvement, the advancement of science and technology, public health, political education and participation, and religious/spiritual enhancement.

Regional resilience

Regional resilience is basically national resilience elevated to the regional level. Similar to the concept of national resilience, it is also a dynamic, comprehensive and holistic one, and is the *resultant* of the national resilience of each country of the region. Its development is the joint responsibility of all countries in the region. Whereas national resilience is a nation's capability to manage and control domestic and external situations which threaten the nation, regional resilience is a region's capability to control and manage intra- and extra-regional situations which may endanger the peace, stability and security of the region as a whole. It is this capability that ASEAN wishes to attain ultimately through cooperation and fair competition among all its members.

Major issues impeding the realization of ZOPFAN

Two major issues stand out: first, the Cambodian conflict; and secondly, the overlapping territorial claims in the South China Sea, which have an effect not only on the region's stability but also on the security of the international sea lanes passing through the vitally strategic South China Sea.

The Cambodian conflict is the region's most pressing source of instability. Since the very beginning, ASEAN, and particularly Indonesia, has played an active role in finding a solution. Thanks to this unceasing effort, later joined in by Australia, and most recently by the five permanent members of the Security Council, a framework for a comprehensive political settlement has been reached. However, so long as the four

Khmer factions are not able to diminish their differences, peace will continue to be elusive.

The question of the South China Sea is more crucial, owing to the many conflicting and overlapping territorial claims in the area, where one of the claimants is a great Power, namely China, which has proved willing to use force in defence of its claims. It is one of the most strategic waterways in the world. It is important for military, commercial and tanker routes, and has enormous potentials both in living and non-living resources, including oil and gas. Some are already being exploited by Malaysia, Indonesia and Brunei, while some others are being explored as in the case of the Philippines, Viet Nam and Thailand.

The control over the strategically located Spratly islands, some of which are already occupied by China, Taiwan province, Viet Nam, Malaysia and the Philippines, would give the controlling entity or entities strategic power over the whole South China Sea, since they straddle the international sea and air routes through that area, whereas their ownership will entail substantial extensions of national jurisdiction over the resources of the exclusive economic zones and of the continental shelf.

There is no easy solution to the problem, given the strategic and economic importance of the area. The potentials for conflict are plenty, but there is also the possibility of cooperation. Efforts to find ways and means for co-operation should be focused upon, while any action that could escalate the present disputes into a wide-ranging military conflict should be avoided. The exploitation of the enormous resources of the area definitely calls for cooperation, rather than confrontation.

The United Nations Convention on the Law of the Sea, of 1982, which has been signed by all of the littoral States of the South China Sea, provides the possibility, even the desirability, for States bordering sea areas such as the South China Sea to cooperate with each other. There are examples of joint cooperation zone treaties which "freeze" territorial claims, for example the Antarctic Treaty of 1959, the 1974 Agreement between the Republic of Korea and Japan, the 1979 Agreement between Thailand and Malaysia in the Gulf of Siam, and most recently the agreement between Indonesia and Australia over the Timor Gap in 1990. In all of these agreements the parties concerned defer settlement of the territorial dispute in a disputed area by consenting to a cooperative jurisdictional regime to develop the resources in the area jointly.

Evidently, the momentum of global peace has also reached the South China Sea. Sufficient political will has developed to avoid a military conflict over the disputed area. Beijing has proposed joint development of the contested Spratly islands. As reported by the weekly *Far Eastern Economic Review* of 30 August 1990, the offer was formally made by China's Premier Li Peng during a press conference in Singapore on 13 August. This is an opportunity to be explored further by ASEAN as the first concrete step towards the realization of ZOPFAN.

Concluding remarks

The post-cold-war era has provided South-East Asia with a historic opportunity to put an end to the many conflicts and wars that have ravaged the region for so long. States in the region must seize the opportunity to be masters in their own region, instead of mere spectators or, worse, pawns in great-Power struggles.

Since 1971 ASEAN has declared its intention to transform the historically turbulent region into a "zone of peace, freedom and neutrality". But to date ZOPFAN is no closer to reality than at the time of its declaration. Moreover, some doubts have been expressed from within ASEAN itself concerning the feasibility and even the desirability of the idea, given the trends towards a decline of the military presence of a great Power in South-East Asia and in the wider Asia-Pacific region.

Yet, precisely because of these favourable trends, for the first time a real opportunity is being offered to translate the idea into reality. ASEAN must seize it and not let it slip away, first, because, despite the promising trends of recent years, peace cannot be taken for granted, as the Gulf crisis has shown; secondly, because conflicts have become "regionalized", and in regions less vital to the immediate interests of the former super-Powers, the ultimate recourse in conflict situations is self-help (and because of that, some regional Powers are building up their military muscle, whereby regional arms races have been triggered); and finally, because change, in order to be of benefit, should be managed. South-East Asia is expected to be one of the most rapidly changing regions in the world – economically, technologically and politically. In the search for regional peace, security and prosperity, ASEAN can be the vehicle, both the Declaration of ASEAN Concord and the Treaty of Amity and Co-operation the mechanism, and ZOPFAN the conceptual framework.

Bibliography

ASEAN National Secretariat. ASEAN Documents (undated). Department of Foreign Affairs, Republic of Indonesia.

Colbert, Evelyn. Southeast Asia in international politics 1941-1956. Cornell University Press, 1977.

Findlay, Trevor. Confidence-building measures for Asia/Pacific. Working paper no. 55. Peace Research Centre, Research School of Pacific Studies (Canberra, Australian National University), December 1988.

Gill, Ranjit. ASEAN Coming of Age. Singapore, Sterling Corporate Services, 1987.

Habib, A. Hasnan, Lieut. Gen. (ret.). Technology for National Resilience. Paper presented at the SDSC Conference, Australian National University, 29-30 November 1989.

Jackson, Karl D. Sukhumbhand Paribatra and J. Soedjati Djiwandono (eds.). ASEAN in regional and global context. (Berkeley, Institute of East Asian Studies, University of California). Second printing 1989.

Joo-Jock, Liml. Geo-strategy and the South China Sea Basin. Kent Ridge, Singapore, Singapore University Press, 1979.

Keatley, Anne G., ed. Technological Frontiers and Foreign Relations. National Academy Press, Washington, D.C., 1985.

Kemp, Geoffrey. Regional security, arms control, and the end of the cold war. The Washington Quarterly, Autumn 1990.

Kihl, Young Whan, and Lawrence E. Grinter (eds.). Security, strategy and policy responses in the Pacific Rim. Boulder, Colorado, Lynne Rienner Publishers, Inc., 1989.

Leifer, Michael. 1983. Indonesia's foreign policy. The Royal Institute of International Affairs, George Allen & Unwin, Ltd.

Nishikawa, Jun. ASEAN and the United Nations system. New York, United Nations Institute for Training and Research, 1983.

Simon, Sheldon. The future of Asian-Pacific security collaboration. Lexington Books, 1988.

United Nations. Comprehensive study on confidence-building measures: report of the Secretary-General. United Nations publication, Sales No. E.82.1X.3.

Report of the Workshop on Managing Potential Conflicts in the South China Sea. Bali, 22-24 January 1990.

Solution to the Cambodian Conflict: A View from Viet Nam

Nguyen Can

South-East Asia is an integral part of Asia and the Pacific, which, for the last 45 years has never enjoyed a single day of full peace and stability. Several major wars have been unleashed in this region. This area has also been the scene of a number of military conflicts and confrontation involving countries inside as well as outside the region.

Together with the fading of the cold war and while there has been a tendency throughout the world to resolve regional conflicts by political means, right in this area a new situation has also emerged, a situation which favours peace, stability, cooperation and development for all countries of the region. Most apparent is the trend followed by all countries to exert efforts to find a solution to the conflict in Cambodia, which, for the last 11 years, has greatly affected the political environment of the region.

Though a peace agreement on Cambodia has yet to be reached, the process of seeking a solution to it has entered the final stage. A solution to the Cambodian conflict will be a great contribution to the reduction of tension in the area, enhancing mutual trust among nations and regional security as a whole. It will also contribute to the limitation of an arms race among nations in this area. Looking back on what has been done and considering what remains to be done may help us to draw some useful lessons for the future.

The search for a solution to the Cambodian conflict

For more than a decade, South-East Asian countries as well as the whole of the world community have exerted efforts to find a solution to the Cambodian problem.

Regrettably, instead of seeking to find a solution through dialogue and cooperation, concerned countries had been bogged down in a situation of confrontation. At the United Nations, discussions on the

Nguyen Can is Ambassador in the Ministry of Foreign Affairs of Viet Nam.

Cambodian situation had been turned into a verbal war between confronting groups of countries, but reality has proved that all means of pressure and confrontation could never solve the problem. On the contrary, they have created more difficulties, tension and distrust. Only through dialogue and cooperation would it be possible for mutual trust to prevail and thus help to bring about a peaceful solution to the problem. As far as the Cambodian conflict is concerned, the best way to reach a fair political solution is through direct negotiations between the Cambodian parties and among the countries concerned.

To a great extent, the only real way to achieve a fair solution to the question of peace and stability in South-East Asia, including the Cambodian problem, is through dialogue and negotiation by all countries and parties concerned, within and outside the region in the spirit of cooperation, taking into account the just security interests of all parties concerned.

The two Jakarta Informal Meetings created the necessary conditions for the convening of the International Conference on Cambodia. The Conference was held in Paris from 30 July to 30 August 1989 under the co-presidency of France and Indonesia. Although a few substantial differences still remain, the Paris Conference agreed on many important issues and laid the groundwork for an early, comprehensive political settlement of the Cambodian problem. It is of great importance that all the parties concerned have agreed that the momentum generated by the Paris Conference must be maintained and that the initial results must be built upon further through the enhancement of dialogues between the Cambodian parties as well as among countries concerned if lasting peace and stability in Cambodia and all of South-East Asia are to be restored in the near future.

It should be noted here that the complete withdrawal of Vietnamese troops from Cambodia also created a new impetus for the search for a solution to the Cambodian problem. A set of informal meetings or meetings at regional levels among the Cambodian parties in Jakarta, Bangkok and Tokyo, together with the exchange of views among the five permanent members of the United Nations Security Council, have helped bring about the establishment of the Supreme National Council (SNC) of Cambodia and the framework for the settlement of the Cambodian issue.

In fact, up to now, the Cambodian parties have reached an agreement on all the fundamental and long-term issues of an overall solution to the Cambodian problem, namely: total withdrawal of Vietnamese troops from Cambodia; non-return to power of the genocidal regime in Cambodia; cessation of foreign military aid to the Cambodian parties; respect for the independence, sovereignty, neutrality and non-alignment of Cambodia; implementation of Cambodia's right to self-determination through free, fair and democratic general elections, an international guarantee of the agreements, and the setting up of a body, the International Control Mechanism, for the supervision of the implementation of the agreements.

There are two remaining issues that need further agreement in detail. The first is completion of arrangements for a provisional authority with the task of holding general elections in the period of transition between the total pull-out of Vietnamese troops and the general elections. The second is that of the role of the United Nations in the International Control Mechanism during the same period. It should be noted that the settlement of these two issues as they relate to Cambodia's internal affairs depends totally or mainly upon the agreement of the Cambodian parties.

On the other hand, merely leaving the power struggle in Cambodia to the Cambodian parties to resolve by themselves while foreign countries continue to supply military aid to the warring parties would be dangerous and might turn Cambodia's internal dispute into an international conflict. Therefore, in my view, what should be done is to encourage the Cambodian parties to sit down together and settle their internal affairs and issues in regard to Cambodia's sovereignty while ensuring that the settlement will be fair and that it can guarantee Cambodia's genuine interests and in no way be detrimental to any country. This would be fully in conformity with the principles of respect for Cambodia's sovereignty; with the Charter of the United Nations; with the long-term peace and security interests of Cambodia as well as those of other countries in the region; and with the agreements reached at the Jakarta Informal Meetings, the Paris Conference on Cambodia and the summit meetings of the non-aligned countries.

The role of the United Nations in the settlement of the Cambodian conflict

With the mandate of maintaining international peace and security, the United Nations could and should play an active and important role in solving the problem of Cambodia. However, for a long period of time, the role of the world's biggest and most important Organization has been very limited. At its annual session every year, discussions on the situation in Cambodia had for as long as 11 years been turned into a hopeless and useless confrontation.

Not until the forty-fifth session of the General Assembly was the question of Cambodia dealt with in a relatively fair manner. At that session, following consultations between ASEAN members and Indo-Chinese countries, the draft resolution on Cambodia was adopted without a vote and without any verbal clashes. This was quite unlike what had happened in all of the previous 11 years. At that session also, the representation of Cambodia at the United Nations, which used to be the source of another kind of tense discussion, was, in principle, officially attributed to the Supreme National Council, which had just been established in Jakarta. This event should be considered as an opening for a much better perspective for the settlement of the question of Cambodia and it also created mutual trust and cooperation among countries in the region.

Viet Nam has on many occasions stated that it welcomes a United Nations role in a political settlement and in an international control mechanism in Cambodia, provided however that the United Nations takes a fair and impartial attitude towards the Cambodian issue.

Viet Nam has also more than once expressed its appreciation of the personal efforts made by the Secretary-General of the United Nations to encourage dialogue aimed at a political solution to the Cambodian question. It is also the view of Viet Nam that the United Nations has a very important role to play in the Cambodian issue but that role must be placed within the framework of the United Nations Charter, on the basis of respect for Cambodia's independence and sovereignty and within the framework of the agreements reached by the countries taking part in the Paris International Conference on Cambodia.

Principles that have to be followed

In general, the search for a just and reasonable solution to any international conflict must be guided strictly by a number of principles. In the case of Cambodia also, there are certain principles that should not be neglected. In my view, these principles are as follows:

Principle 1

A solution to the Cambodian conflict must have three objectives, namely: the total withdrawal of foreign troops from Cambodia; the prevention of the return to power of the genocidal regime in Cambodia; and the exercise of the right to self-determination of the Cambodian people;

Principle 2

In the process of achieving a political settlement of the Cambodian problem, a clear distinction must be made between the internal and external aspects of the question.

Both the Paris International Conference and the United Nations are mandated to discuss and solve issues relating to the international aspect of the Cambodian problem. Decisions on Cambodia's international issues must be taken by the Cambodian parties themselves. Other countries should not and could not impose their will on them. The Supreme National Council is to discuss and decide on the internal affairs of Cambodia. The Paris International Conference on Cambodia and the United Nations as well as all other countries have to respect the decisions of the SNC on issues relating to the internal questions of Cambodia's sovereignty. If the Cambodian people cannot settle their internal affairs by themselves, how can foreign countries and the United Nations do it? The biggest obstacle to a comprehensive solution to the Cambodian problem concerns questions related to Cambodia's internal affairs. Therefore the tasks and responsibility of the SNC are very important and no less cumbersome. Other countries should exert a common effort to persuade and encourage members of the SNC to reach an early agreement among themselves in the spirit of national reconciliation. In case, even with such support, the SNC still fails to solve the internal problems, all foreign countries should cease to render military aid to all of the Cambodian parties and at the same time end all manner of interference in Cambodia's internal affairs. If that can be achieved, civil war in Cambodia would soon come to an end, thus precluding the possibility that it might escalate out into a larger war. This is the only way to limit the scale of the conflict and at the same time create favourable external conditions for the peaceful settlement of Cambodia's internal problems, encouraging Cambodian parties to end their civil war soon and accept a consensus solution.

Principle 3

In the process of formulating and implementing the settlement of the Cambodian conflict, the principles and purposes of the United Nations Charter regarding the role of the United Nations and the sovereignty of the United Nations Member States must be scrupulously observed.

Article 1 of the Charter of the United Nations clearly defines the objectives of the United Nations as follows: to maintain international peace and security; to suppress acts of aggression; to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples; to achieve international cooperation in solving international economic, social, cultural, or humanitarian problems. Article 2 of the Charter clearly lays down seven principles for the United Nations activities, including the principle that the United Nations may not intervene in matters which are essentially within the domestic jurisdiction of Member States.

Therefore, a solution which would place Cambodia under the direct and unlimited rule of the United Nations would seriously violate the sovereignty of an independent State Member of the United Nations, and would also seriously violate the Charter of the United Nations and lead to serious consequences. It would not only be detrimental to the prestige of the United Nations, but would also undermine the foundation of the existence and noble activities of the United Nations and complicate the situation. The United Nations itself would then be bogged down indefinitely. Moreover, that might create a negative precedent and make other United Nations Member States worry lest the United Nations might also interfere in their internal affairs.

The fact that the five permanent members of the Security Council carry out consultations and make proposals for the solution of the Cambodian conflict deserves our appreciation. However, as the Indonesian Foreign Minister, Mr. Ali Alatas, rightly said:

> "The five Powers may co-operate with each other to solve various international problems but this should not allow them to be the unique group of countries that determines the world's destiny."

As the five permanent members of the Security Council have the right to veto, they must observe the United Nations Charter all the more strictly. Their position should not be abused to violate the Charter.

Principle 4

The implementation of the agreements will be the obligation that falls upon the parties directly concerned. The United Nations is not obliged to implement the agreements but it has the obligation to supervise the implementation of provisions laid down in the agreement. Furthermore, the United Nations may assume the responsibility of organizing general elections if the SNC agrees to refer that task to the United Nations.

Principle 5

While carrying out the task entrusted to it, the United Nations has to maintain strict impartiality and neutrality. To ensure that, its obligations, power, composition and the principles governing its activities have to be strictly regulated. Such obligations and power have to be in full accordance with the Charter of the United Nations and must ensure respect for Cambodia's sovereignty and for the agreements to be reached at the next Paris International Conference on Cambodia.

Principle 6

In the transitional period, the political and military realities in Cambodia have to be respected once the cease-fire takes place since those realities reflect the balance of power among the Cambodian parties that has been achieved throughout years of fierce struggle. It is only the Cambodian people who, by exercising their right to self-determination, are entitled to change such realities through free and fair elections. Any attempt to change the political and military realities in Cambodia and to create disparities in the balance of forces would not only be detrimental to the exercise of the right to self-determination of the Cambodian people but also lead to instability, prolong the civil war and create obstacles to the holding of free and fair elections. Furthermore, this might create an opportunity for the re-establishment of the genocidal regime in Cambodia.

Conclusion

The search for a solution to the Cambodian conflict has gone on until now because it is a matter of great complexity. It involves a triplicity of different interests, namely: the interests of the Cambodian parties themselves, the interests of other countries in the region, the interests of the major Powers. Within each angle of this triangle and between countries, there has always been a certain range of differences – if not conflicts of different interests – that require fair resolution which, eventually, can restore peace and a stable life to the Cambodian people – a life in which they can feel confident of the future, a future without the nightmare of genocide. A fair solution to the Cambodian conflict will also mean restoring peace and stability as well as mutual trust and cooperation to South-East Asian nations.

A fair and reasonable solution to the Cambodian conflict, one which ensures the role, sovereignty and genuine interests of the country directly concerned as well as those of other countries in the region and respect for the equal rights of countries, whether big or small, in accordance with the United Nations Charter, will also create new confidence on the part of the international community in the search for a solution to any regional conflict anywhere in the world.

In harmony with the present general trend in world politics and the denouement of the Cambodian problem, South-East Asia is on the threshold of a new era – an era of peace, security, friendship and cooperation. I am confident that with good will and reasonableness, our common goals will soon be achieved.

Annexes

List of Participants

Ambassador Hassan Abduldjalil
Director of the International Organizations Directorate
Department for Foreign Affairs
Jakarta, Indonesia

Ambassador Abul Ahsan
Foreign Secretary
Ministry of Foreign Affairs
Dhaka, Bangladesh

Ms. Kausar Ahsan
First Secretary
Embassy of Pakistan
Jakarta, Indonesia

H.E. Mr. Ali Alatas
Minister for Foreign Affairs
Indonesia

Dr. Brook Barrington
Disarmament and International Security Division
Ministry of External Relations and Trade
Wellington, New Zealand

Colonel Moses Buadromo
Ambassador of Fiji to Malaysia
Kuala Lumpur, Malaysia

Ambassador Suchati Chuthasmit
Ambassador of Thailand to Indonesia
Embassy of Thailand
Jakarta, Indonesia

Mr. Simon Tensing De Cruz
Deputy Director
Policy, Planning and Analysis Directorate I
Ministry of Foreign Affairs
Singapore

Dr. Sudjati Djiwandono
Senior Researcher
Center for Strategic and International Studies (CSIS)
Jakarta, Indonesia

Dr. John Gee
Director, Chemical and Biological Disarmament Section
Department of Foreign Affairs and Trade
Canberra, Australia

Lieutenant General A. Hasnan Habib (ret.)
Former Ambassador of Indonesia to the United States
Adviser to the Minister of State for
  Research and Technology
Jakarta, Indonesia

Mr. Salleh Abdul Hamid
Embassy of Brunei Darussalam
Jakarta, Indonesia

Dr. Ross Masood Husain
Board of Governors
Institute of Regional Studies
Islamabad, Pakistan

Dr. Joachim Krause
Director of Studies
Stiftung Wissenschaft und Politik
Ebenhausen, Germany

U Khin Maung Lay
Director for Disarmament
Ministry of Foreign Affairs
Yangoon, Myanmar

Dr. Seo Hang Lee
Research Professor
Institute of Foreign Affairs and National Security
Seoul, Republic of Korea

Mr. Li Changhe
Officer-in-Charge of Disarmament
Department of International Organizations & Conferences
Ministry of Foreign Affairs
Beijing, China

Mr. Li Song Il
Expert on Disarmament
International Organization Department
Ministry of Foreign Affairs
Pyongyang, Democratic People's Republic of Korea

Ambassador Brett T. Lineham
Director, New Zealand Planning Council
Wellington, New Zealand

Dr. Don J. MacKay
Director
Disarmament and International Security Division
Ministry of External Relations and Trade
Wellington, New Zealand

Lieutenant General (Army) Yogie S. Memet
Governor of West Java Province
Indonesia

Dr. Mazlan Muhammad
Principal Assistant Secretary
International Organization Division
Ministry of Foreign Affairs
Kuala Lumpur, Malaysia

Ambassador Nguyen Can
Ministry of Foreign Affairs
Hanoi, Viet Nam

Mr. Nestor Padalhin
Executive Officer
Office of United Nations and
International Organizations
Department of Foreign Affairs
Manila, Philippines

Mr. B. Piyasena
Embassy of Sri Lanka
Jakarta, Indonesia

Mr. Madhau Kumar Rimal
Chief Editor of *Spotlight*
Kathmandu, Nepal

Ambassador Wirjono Sastrohandoyo
Director General for Political Affairs
Department for Foreign Affairs
Jakarta, Indonesia

Lieutenant General Purbo S. Soewondo (ret.)
Former Ambassador and Deputy Permanent Representative
of Indonesia to the United Nations, New York
Lecturer at the University of Indonesia
Jakarta, Indonesia

Mr. J. Pari Sundaram
Ambassador of Sri Lanka to Indonesia
Embassy of Sri Lanka
Jakarta, Indonesia

Mr. Nana Sutresna
Permanent Representative of
Indonesia to the United Nations
New York

Mr. Truong Trieu Duong
Expert in Charge of Disarmament Issues
International Organization Department
Ministry of Foreign Affairs
Hanoi, Viet Nam

Mr. Toshio Watanabe
Deputy Head of the Delegation of Japan
to the Conference on Disarmament
Geneva, Switzerland

Mr. Hadi Wayarabi
Senior Official in the Directorate-General
for Political Affairs
Department for Foreign Affairs
Jakarta, Indonesia

Dr. Alexei V. Zagorsky
Deputy Head
Department for Japanese and Pacific Studies
Institute of World Economy and International
Relations (IMEMO)
Moscow, USSR

Professor M. Zuberi
School of International Studies
Jawaharlal Nehru University
New Delhi, India

List of Observers

Professor Oetaryo Diran
Professor
Chairman of Working Group on Nuclear Weapons and Related Issues
Department for Foreign Affairs
Jakarta, Indonesia

Rear Admiral Koen Djaelani (ret.)
Senior Advisor
Agency for Research and Application of Technology
Jakarta, Indonesia

Mr. A. Hartono
Member of Parliament
Jakarta, Indonesia

Dr. C. P. F. Luhulima
Senior Researcher
Indonesia Science Institute
Jakarta, Indonesia

Professor Suwardi Wiraatmadja Ma
University of Padjadjaran
Bandung, Indonesia

Dr. Burhan Magenda
University of Indonesia
Jakarta, Indonesia

Brigadier General Haryo Mataram (ret.)
Senior Advisor
National Defence Institution
Jakarta, Indonesia

Dr. Yahya Muhaimin
Gadjahmada University
Yogyakarta, Indonesia

Dr. Mappa Nasrun
Professor
Hasanudding University
Ujung Pandang, Indonesia

Colonel Fauzy Qasim (ret.)
Department of Defence
Jakarta, Indonesia

Dr. Amien Rais
Gadjahmada University
Yogyakarta, Indonesia

Mr. H. Imron Rosyadi
Member of Parliament
Jakarta, Indonesia

Ambassador Svein Saether
Special Adviser for Disarmament
Royal Norwegian Ministry of Foreign Affairs
Norway

Brigadier General Sarworo Sarbini
Department of Defence
Jakarta, Indonesia

Rear Admiral Sahono Subroto (ret.)
Department of Defence
Jakarta, Indonesia

Litho in United Nations, New York
[illegible] – October 1991 – 6,375